

**POLITICAL LIBERALISATION IN BRAZIL DURING  
THE FIGUEIREDO ADMINISTRATION, 1979-1985**

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Certified that the Dissertation titled **Political Liberalisation in Brazil During The Figueiredo Administration, 1979-1985**, submitted by Ms **Rajya Lakshmi Karumanchi** in partial fulfilment for the award of the degree of **MASTER OF PHILOSOPHY** is original and has not been previously submitted for any other degree of this or any other University.

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## P R E F A C E

During the first half of the 1980s many countries of South America underwent transition from military regime to democratic civilian rule. Commonly described as political liberalisation, this process of transition, however, was by no means uniform in the sub-continent. Except in Brazil, nowhere was the transition either peaceful or gradual. Again, it was in Brazil that the process of political liberalisation proceeded largely within the control of an essentially authoritarian regime, and finally, succeeded in ushering in an elected civilian government.

While the debate on the motivations of the Brazilian military to assume the mantle of power in the early 1960s is still inconclusive, it is even more challenging now to delineate the dynamics of the democratization process that it unleashed beginning in the mid-1970s. Why did the military regime which held a monopoly of coercive power for nearly a decade, set in motion a process of political liberalisation? Why did the military in Brazil not adopt drastic depoliticising measures such as those deployed by its counterparts in neighbouring Argentina, Chile and Uruguay? Answers to these critical questions not only would offer some insights on the strength of the presently witnessed democratization process but would also help

prognosticate on the future course of political events in Brazil.

Although attempts at a comprehensive analysis of the Brazilian liberalisation process have been made, yet they are far from satisfactory. Some scholars argue that the Brazilian military's commitment to the tradition of legality and its continuing efforts at seeking political legitimacy through constitutional processes, have made it inevitable in the ultimate analysis, for it to transfer power to civilian authorities. Yet, other scholars have underscored factionalism within the military as the catalyst for the presently seen liberalisation process. According to them powerful groups within the military establishment divided between the *dura* and *branda* and their constant internecine conflicts and confrontations help explain changes in the military regime's policy concerning political liberalisation and democratization. A third explanation offered by Marxist scholars in their analyses emphasises the cumulative economic crises that Brazil encountered in the mid-1970s as the "logic" of the liberalisation process. To them the eruption of a severe financial and economic crisis led to an erosion of the military regime's social and political support compelling it to seek transition through graduated transaction. A less convincing hypothesis offered by another group of scholars engaged in comparative studies points to

the negative effects on the Brazilian military leaders of socio-political conflicts in neighbouring *cono sur* countries. The high degree of domestic violence in these countries had discredited the military regionally and internationally forcing the apparently demoralized military in Brazil before long to surrender its authority to a civilian government and escape thereby political *revanchismo*.

Admittedly the explanations offered so far by different scholars are essentially tentative. It therefore calls for a careful examination of not only the political and economic events during the last two decades, but more importantly, a critical review of the transition process set in motion by the military in Brazil since the 1970s. It is with these objectives that an attempt is made in the monograph to survey the political and economic circumstances against which the last military administration under João Baptista Oliveira Figueiredo initiated political reforms under the guise of *abertura*. While Geisel's *distensão* initiated the liberalisation process, the *abertura* under Figueiredo consummated the democratization.

What were these political reforms in terms of contents and objectives? What were the compelling circumstances that

led to the launching of *abertura*? How did the political forces and economic interests, importantly those who were opposed to the regime react to these overtures made by the military? These are some of the questions that are raised and discussed in the monograph while focussing attention, particularly on the last six years of the military rule in Brazil.

The consolidation of the democratization process in Brazil is of significance for at least two major considerations: one, the successful development of a democratic system in that country would make Brazil the third most populous democracy after India and the United States; and two, being an important actor in its own right in the Latin American region, the currently experienced political change in Brazil is likely to influence the political process in the rest of the region.

The monograph is a modest effort in seeking an answer to the questions raised. Being a preliminary effort, the monograph is largely descriptive surveying the political events since 1979 against the backdrop of the political history of Brazil since 1964. Since primary source material is not available, the reconstruction of events is largely based on secondary source material of books and periodicals and newspapers such of those that are available in India.

The conclusions drawn on the basis of the account are by no means definitive. What is attempted is a critical examination of the explanations offered by scholars on these events and propose a fresh hypothesis.

The chapterisation scheme followed in the monograph is as follows:

The first introductory Chapter examines the views of different scholars who have offered their explanations in regard to the unfolding of the political transition especially since the military regime set in motion a liberalisation process notwithstanding its commitment to rebuild a Brazilian polity through what it claimed as a "Revolution".

The second Chapter is a brief sketch of political developments since the advent of the military to power. Divided into three sections, it attempts to recapitulate the events leading to the installation of Castello Branco as the first military President, the ushering in of a new Constitution in 1967 and the enforcement of a series of institutional acts, and finally, it sketches the events leading to the entry of President Ernesto Geisel into the political arena.

Chapter three attempts a description of the quickening pace of the *abertura* -- its contradictions and ambiguities and analyses the general election of 1982 and its political ramifications.

The following fourth Chapter describes the events that led to the election of the civilian President focussing specially on aspects of congressional politics which brought to fore a transition through transaction between the military regime and its opponents.

The final concluding Chapter, on the basis of the preceding survey of events from 1964, and especially since 1979, analyses the factors that were responsible for the transition to civilian rule in Brazil.

**CHAPTER I**

**INTRODUCTION**

## INTRODUCTION

On 15 January 1985, the Supreme Electoral Tribunal of Brazil declared Tancredo Neves as the President for the next six years. The announcement not only heralded the beginning of a civilian administration but epitomised the political obituary of the demise of military rule in Brazil. The two decades-long "night of the generals" came to an end.

What caused the change -- in effect, the transition from military to civilian rule -- ushering in a redemocratization process in Brazil? Why did the gradual and certain consolidation of political power beginning in the mid-1960s under the military show signs of erosion by the mid-1970s beginning with the administration of President Ernesto Geisel? What led to the escalation of an inexorable political process forcing the military under João Baptista Oliveira da Figueiredo to preside over an unmanageable *abertura* (opening), and his final abdication? Is it that once the process was initiated, whatever may be the factors responsible, it could not be reversed? Is it that in the final years of the liquidation of the military from power, the military intended to reverse or protract the transition? These and related questions have been examined at length and in depth by a host of scholars and perceptive observers. An attempt is made in this preliminary chapter to survey the

views of these writers and show the extent to which they are tenable if not, at least highlight the limitations of their analyses, and offer some new hypotheses.

### **Marxist Analyses**

During the last three decades, the dominant perspectives under which Brazilian political processes have been interpreted can broadly be divided into two -- Marxist and non-Marxist. Within the rubric of Marxist analysis, it is possible to delineate at least three broad interpretations. First, is the "functional-capitalist" interpretation offered by scholars such as Caio Prado Júnior and Luciano Martins according to whom Brazil was always a capitalist country and that even its pre-capitalist elements were "functional for capitalist accumulation".<sup>1</sup> The second, the leading protagonists are Andre Gunder Frank and Teotonio dos Santos who looked at the Brazilian politico-economic process as a function of "imperialist super-exploitation".<sup>2</sup> The third, less strident in its argumentative logic,

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1. See Caio Prado Júnior, *The Colonial Background of Modern Brazil* (Chapel Hill: University of North Carolina Press, 1960).

2. See Andre Gunder Frank, *Capitalism and Underdevelopment in Latin America: Historical Studies of Chile and Brazil* (New York: Monthly Review Press, 1967) and Teotonio dos Santos, "Brazil: The Origins of a Crisis" in Ronald H. Chilcote and Joel C. Edelstein, eds., *Latin America: The Struggle with Dependency and Beyond* (New York: John Wiley and Sons, 1974), pp. 415-90.

propounded by scholars like Fernando Henrique Cardoso and Celso Furtado underlined the "new dependency" syndrome of Brazil -- the idea of linkage between external imperialism and internal class structures through the entry of multinational industrial enterprises.<sup>3</sup> Notwithstanding the inherent divergencies amongst these writers, what however, is implicit is that a bureaucratic-authoritarian regime at the behest of the military was only inevitable.<sup>4</sup> The post-1964 military regime in Brazil according to them, was unarguably its "historical function" to perform the "revolutionary task of promoting and generalising a mode of capitalist expansion based on strong state intervention, oligopolistic organisation of production, and the

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3. See Fernando Henrique Cardoso, "Imperialism and Dependency in Latin America", in Frank Bonilla and Robert Girling, eds., *Structures of Dependency* (Stanford University Press, 1973), pp. 6-17; Celso Furtado, *Development and Underdevelopment: A Structural View* (Berkeley: University of California Press, 1964); "Political Obstacles to the Economic Development of Brazil", in Claudio Veliz, ed., *Obstacles to Change in Latin America* (London: Oxford University Press, 1963), pp. 145-61 and Peter Evans, *Dependent Development: The Alliance of Multinational, State and Local Capital in Brazil* (Princeton: Princeton University Press, 1979).

4. For a detailed analysis of the different Marxist interpretations of Brazilian political economy see the seminal work of Carlos Bresser Pereira, "Six Interpretations of the Brazilian Social Formation," *Latin American Perspectives* (California), vol. 11, no. 1 (Winter 1984), pp. 35-72.

internationalisation of the economy".<sup>5</sup> In justifying its intervention and in seeking its legitimacy, the military, according to these writers, had to adopt as its official doctrine the twin principles of internal security and economic development. In other words, the consolidation and extension of capitalist relations -- "promotion of economic development" in the official jargon of the military -- constituted the preconditions for the establishment of social structures out of which stable and democratic institutions would evolve in the long run.

Before long, this formula, in the view of these

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5. Luciano Martins, "The Liberalisation of Authoritarian Rule in Brazil", in Guillermo O'Donnell, Phillippe C. Schmitter and Laurence Whitehead, eds., *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1986), pp. 76-77. Also according to Eduardo Viola and Scott Mainwaring, the peculiar political culture evolving into what they describe as a "bureaucratic-authoritarian" regime desirous of "social political stability" and "economic order" and at the same time to "transform" Brazil into an "intermediate power in the world system, partially by developing the military-industrial complex" explains the advent of the military to power in 1964 -- a line of argument which has been advocated by Guillermo O'Donnell. For details see Eduardo Viola and Scott Mainwaring, "Transitions to Democracy: Brazil and Argentina in the 1980s", *Journal of International Affairs* (New York), vol. 38 (Winter 1985), pp. 193-219. For a detailed analysis of the bureaucratic-authoritarian state with reference to Brazil see Guillermo O'Donnell, "Reflections on the Pattern of Change in the Bureaucratic-Authoritarian State", *Latin American Research Review* (New Mexico), vol. 13, no. 1 (1978), pp. 3-38.

scholars, could not work. The eruption of a severe global, financial and economic recession coincided with and aggravated by the first "oil shock" in the early 1970s triggered both internal and external sources of crisis and contradictions impinging directly on the legitimacy of the military. Under these critical circumstances, the military instead of directing the economy to adapt itself to these world capitalist trends launched a highly ambitious economic development programme without regard to the predictable draining of resources and the inevitable economic stress it would provoke. The obvious intention was to artificially sustain the hope of an "economic miracle" that would lend credibility to the regime. By the end of the 1970s, the cumulative effects of such a policy had become more than apparent -- domestic interest rates skyrocketed, inflation spiralled, the national debt was twice the level of the federal budget and the external debt had quadrupled. While Martins would argue: "Although the economic dimension was not an important element in the decision to liberalise... it [however] will now become a major factor in shaping the outcome of the liberalisation process",<sup>6</sup> other committed Marxist scholars would take the view that the liberalisation process is but a "transitional phase" in the capitalist

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6. Martins, n. 5, p. 91.

path of development of Brazil.<sup>7</sup> In either view what is

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7. See Maria Helena Moreira Alves, *State and Opposition in Military Brazil* (Austin: University of Texas Press, 1985). See also Alves, "Dilemmas of the Consolidation of Democracy from the Top in Brazil: A Political Analysis", *Latin American Perspectives*, vol. 15, no. 3 (Summer 1985), pp. 47-63. Writers like Ronald Chilcote attempt at an interesting fusion of the evolving national security doctrine of the military with United States' "imperialism" and argue: "The principal tenets included the belief that Latin America is under the sphere of US influence in a world oriented to inevitable war between the United States and the Soviet Union. Thus no third way or neutral position is possible and Brazil must serve as a junior partner of the United States". To achieve this "the state" had to implement "an exploitative model of capitalist development, ... collaborate with multinational enterprise, continue to manipulate the labour unions and intervene in internal affairs at any time". In his view what explains the liberalisation initiated by the military is the challenges that it encountered with a working class and the intellectuals. What the liberalisation intended to bring about was, according to Chilcote, a "space" that was "given to the opposition to participate". In any event, in his view, the "ultimate objective of the liberalisation was to ensure dominance" of the military. See Ronald H. Chilcote, "Toward the Democratic Opening in Latin America: The Case of Brazil", *Monthly Review* (New York), vol. 35 (February 1984), pp. 15-24. Elaborating on the aspect of challenges to the military regime that led to the liberalisation process, Eli Diniz suggests that the "crisis of legitimacy" arose on account of "various social movements emanating from the popular sector generated effective resistance to the regime's limited project of liberalisation via conservative transformation and contributed to mobilisation for a deepening and broadening of the process of democratization" for, any "political alternative that does not take into account the social aspirations for substantive change... will lead to a deepening of the credibility crisis". Eli Diniz, "Political Transition in Brazil: A Reappraisal of the Dynamics of the Political Opening", *Studies in Comparative International Development* (Georgia), vol. 21, no. 2 (Summer 1986), p. 71. Some of the "liberals" take the position that the liberalisation process is a cumulative consequence of pressures generated from,

witnessed in Brazil today is a process of "liberalisation" initiated by the military and not necessarily an irrevocable transition to democratization. Speculating on the prospects of democracy in Brazil, Martins amongst others, is more specific. He considers that the process of liberalisation is not "a classic instance of a continuous transition" for the process finds itself at a cross-road pointing toward three possible outcomes which are: "(i) the collapse of the regime, (ii) accelerated democratization after some variety of political compromise has been reached over the transfer of power, or (iii) the imposition of a higher degree of political coercion".<sup>8</sup> While he suggests that it would be

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7. contd...

importantly, the middle sectors, the national bourgeoisie, the political parties and to some extent even the influence of the United States. In their view, the economic miracle leading to a debacle around the beginning of 1970s obviously had alarmed the middle class and as a consequence one of the major "pillars on which the military government has rested" had in the process "become attenuated". They also suggest that the "vocal resentment" of the national bourgeoisie of the increasing role of the "multinationals and the state enterprises... primarily at the expense of the national" led to "rumblings of discontent from national businessmen" reflecting "large scale withdrawal of support" to the military. The increasing coolness in US-Brazilian relations particularly with the advent of the Carter Administration with its emphasis on human rights policy seemed to have been a factor which helped exacerbate the liberalisation process. For a typical liberal view along these lines see Jan Knippers Black, "The Military and Political Decompression in Brazil", *Armed Forces and Society* (California), vol. 6, no. 4 (Summer 1980), pp. 625-37.

8. Martins, n. 5, p. 91.

"pure guess work, at the present time, to predict which outcome will prevail or for how long" he does however, raise the question as to "what extent is capitalist development in Brazil compatible with non-authoritarian forms of government". He however, quickly adds that even assuming the 1964 revolution "can be regarded as having performed a historical task" of "reinforcing the social hegemony of capitalism in Brazil" its recurrence will largely be dependent on the extent to which it has so far achieved in "the liquidation of a previous structure of domination and its (populist) political expression".<sup>9</sup>

#### **Non-Marxist Interpretations**

The non-Marxist interpretations largely revolve around the military as a political institution along with its atypical historical evolution in Brazil and a somewhat peculiar value system that it had inherited over time. Bolivar Lamounier emphasises the latter aspect. He suggests that the initiatives of the military beginning with Castello Branco and more so, specifically Geisel's *distensão* (decompression) originated in a value system largely influenced by a long legalistic tradition of the military. It is this legalistic tradition strongly embedded in the

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9. Ibid., pp. 92-93.

military that led the regime from the beginning to enact *post facto* legislation in order to legalise what had formerly been illegal uses of force and coercion. Elaborating on the Brazilian military's legalistic value structure Riordan Roett writes:

The [military] regime's continuing commitment to the niceties of constitutional government confuse many observers of the Brazilian political system. In other Latin American nations, the Congresses are closed, parties abolished, and national politics prohibited. In Brazil, although the latitude given to the civilian political process is severely compromised, it does exist. The commitment to political participation -- is strongly rooted in Brazilian constitutional history.<sup>10</sup>

According to Lamounier, the military enjoyed broad political and social support especially from middle and upper classes when the country was threatened by the "radical" administration of João Goulart. These very classes however withdrew their support when it became clear that the military had intended to stay. The regime's harsh repression and retrograde economic policies, combined with its "rational and moral" arguments aimed at increasing its legitimacy -- all came to naught. It was under these pressing and critical circumstances, a process of decompression was launched. Lamounier reminds that the liberalisation was

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10. Riordan Roett, "The Political Future of Brazil" in W.H. Overholt, ed., *The Future of Brazil* (Boulder: Westview Press, 1978), p. 82.

"not... the result of pressures from a military faction to bring about a coup within a coup in order to launch an alternative mass-based, nationalist" movement. On the other hand, it was "clearly started with a view towards reinforcing the role of elected politicians".<sup>11</sup> What, in other words, was aimed at was not the eventual relinquishing of power by the military as much as the return to the tradition of legalism since arbitrary and *post facto* legislation of the earlier years had neither been convincing nor contributed to the legitimacy of the regime. In the words of Roett: "Geisel's efforts at decompression were part of that historical belief that there should be a more open system" but well within the confines of military control.<sup>12</sup> Inherent in Lamounier's line of argument is the assumption that the military in Brazil shares with other political institutions a legalistic tradition and that the political opening witnessed in the mid-1970s was largely a manifest evidence of its adherence to such a value system. What is implied even more in Lamounier's analysis is that liberalisation was limited in its scope and content and in no way can be treated as a prelude to a process of future democratization.

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11. Bolivar Lamounier, "Opening Through Elections: Will the Brazilian Case Become a Paradigm?", *Government and Opposition* (London), vol. 19, no. 2 (Spring 1984), p. 169.

12. Roett, n. 10.

While Lamounier looks at the Brazilian military as a well-integrated political institution historically committed to what he calls the "legalistic value structure", Alfred Stepan, on the other, underscores factionalism within it as a continuing critical and catalysing component. Applying the "bureaucratic politics" perspective, Stepan argues that any institution as large as the Brazilian military naturally encompasses individuals with differences of opinion, and in this sense, the military has always been divided. Powerful groups stood on both sides of an issue which was relevant enough to compromise military cohesion and unity. Broadly speaking, Stepan distinguishes two major groups based on what he describes as the "content and consequences of two forms of professionalism" which "are quite distinct" in the post-Second World War period.<sup>13</sup> The resulting disparity in power which occurred among ideological groups within the Brazilian military help explain changes in the regime's policy concerning elections, liberalisation and democratization.<sup>14</sup>

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13. Alfred Stepan, ed., *Authoritarian Brazil: Origins, Policies and Future* (New Haven: Yale University Press, 1973), p. 51.

14. Stepan says that the armed forces "in the period 1963 to 1964 had developed a low level of agreement based on anti-Communism, anti-corruption, an opposition to mobilisation politics, and a desire for economic growth". See, *The Military in Politics: Changing Patterns in Brazil* (Princeton: Princeton University Press, 1971), p. 230.

According to Stepan, the core officer group belonging to the "new professionalism" behind Castello Branco's 1964 coup greatly contrasted with other officers of equivalent rank of "old professionals".<sup>15</sup> Events following the deposition of the civilian regime revealed that the former group was far less willing to restrict civil and political power than were most other high ranking Brazilian officers of the era. In fact, active officers behind the coup intended not to remain in power for long, but rather to carry out a one-shot "cleansing" operation to rid the government of "leftist elements" and to make some important changes in the political and economic structure of the country. Such actions would have conformed with what Samuel P. Huntington calls the "coup and exit" model.<sup>16</sup> It is a

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15. For a critique of Stepan's categorisation of the military between "old" and "new" professionalism see Frank D. Mc Cann Jr., "Origins of the 'New Professionalism' of the Brazilian Military", *Journal of Inter-American Studies and World Affairs* (Miami), vol. 21, no. 4 (November 1979), pp. 505-22. For an excellent survey of the Brazilian military's geopolitical view and national security doctrine see Leslie W. Hepple, "Geopolitics, Generals and the State in Brazil", *Political Geography Quarterly* (Surrey), supplement to vol. 5, no. 4 (October 1986), pp. s79-90. See also George Philip, "Military Authoritarianism in South America: Brazil, Chile, Uruguay and Argentina", *Political Studies* (Surrey), vol. 32, no. 1 (March 1984), pp. 1-20 and Stanley E. Hilton, "The Brazilian Military: Changing Strategic Perceptions and the Question of Mission", *Armed Forces and Society*, vol. 13, no. 3 (Spring 1987), pp. 329-51.

16. See Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil Military Relations* (Massachusetts: Harvard University Press, 1957).

model in which the military plays a "moderator role", intervening politically, making the desired alterations, and quickly returning power to the civilians. As Stepan himself documents, the public intentions of Castello Branco's statement on the eve of the 1964 coup quite clearly conform to the "moderator" model: "The national and permanent military institutions are not properly meant to defend the programs of the government; much less its propaganda, but to guarantee the constitutional powers and the functioning and the application of law".<sup>17</sup>

The core *castelistas*, also known as the "Sorbonne group" because it consisted mainly of military officers with war experience against the Nazis, shared in common the experiences of training in the United States and an ideological loyalty to Western democracy.<sup>18</sup> The *castelistas* thus differed from their *cono sur* counterparts (*linha dura*)

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17. Stepan, n. 14, p. 203.

18. The "Sorbonne Group" included a number of officers who had fought against the Nazis in Italy, had studied abroad (predominantly in the US), and had participated in the foundation and expansion of *Escola Superior da Guerra*. According to Stepan, all ten generals belonging to the core *castelista* group attended military schools abroad (as opposed to twenty four per cent of other line generals), with eight of them in the US, six of them fought the Germans in Italy, a percentage twice as high as that of all other members of ESG staff, compared to thirteen per cent of other line generals. ESG taught a blatantly pro-Western ideology and played an important role in shaping the doctrine of *segurança e desenvolvimento*, the ideological cornerstone of the military regime. See Stepan, n. 14, pp. 240-1.

who did not participate in the Second World War and consequently did not build direct ties with US and West European armed forces.

The *castelistas*, according to Stepan, however, lost power through a "coup within coup" in 1967 when the *linha dura* officers of the military took over and stayed in power for seven disastrous years. During this period, particularly after 1968, the regime enacted a series of most repressive and crude legislative measures that discredited it internationally, nevertheless giving a modicum of legal sanction. Then in 1974, the *castelistas* triumphed over their *cono sur* counterparts and moderately increased the civilian share of political power through elections as Geisel introduced the political opening of *distensão*.<sup>19</sup> In sum, the swing between the *linha dura* and *linha branda* officers of the Brazilian military is what explains the see-saw political process during the years between 1964 and 1984.

In a recent study on military politics in Brazil, Stepan makes some prognostications on the course of developments in Brazil since 1974. According to him "the

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19. For a critique of Stepan's thesis see John Markoff and Silvio R. Duncan Baretta, "Professional Ideology and Military Activism in Brazil" *Comparative Politics* (New York), vol. 17 (January 1985), pp. 175-91.

most critical motivation for the initial opening of the authoritarian regime had its origins in contradictions within the state generated by the development of the new, relatively autonomous military intelligence and repressive systems".<sup>20</sup> These contradictions within the military led the factions within it "to seek allies" outside in the "civil society". Alongside, the national military doctrine of the ESG (*Escola Superior da Guerra*, Superior War College), according to him revealed "constant modifications" made by the military itself while "managing nevertheless to structure tightly the terms of the debate about what were acceptable parameters of conflict in the polity".<sup>21</sup>

### A Critique

Most of these interpretations, Marxist or otherwise, broadly explain the political process essentially in respect of the liberalisation initiatives taken by the military regime. Whereas to the core Marxist analysts, it is the contradictions within international capitalism that caused the liberalisation, other interpretations have looked at the liberalisation process as an initiative of the military, be

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20. Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), p. xii.

21. *Ibid.*, p. xiii.

it on account of its adherence to legalism or on account of the built-in factionalism. In any event, these interpretations go to explain the liberalisation process in very general terms.

A closer scrutiny of the liberalisation process in Brazil suggests that there were at least two important phases -- one, initiated by Geisel's *distensão* in 1974 and the other Figueiredo's *abertura* launched in 1979. While it is true that both are transitions initiated from "above" viz. by the military, these were initiatives which the military launched on its own. Also, Geisel's *distensão* in its wake created a momentum for liberalisation that could not be controlled, neither by himself, nor by his successor. In a sense therefore, Figueiredo's *abertura* is as much an outgrowth of Geisel's *distensão* as it was thanks to the exigencies encountered by Figueiredo himself. What is even more important is that neither of these two initiatives was designed to bring about eventual democratization. In other words, both the processes were only intended to liberalise as the authors themselves had envisaged. The end outcome of both these initiatives, however, was the return to civilian democracy. The critical question, therefore, is what led to the ultimate democratization of the political process in Brazil when Tancredo Neves was elected as the first civilian President after two decades of military rule. None of the

interpretations offered by the scholars belonging to both schools of thought has squarely answered this question. Also a related, nevertheless a critical question that remains unexplored is whether the transition was a transition by transaction or it was simply a transition from "above" regardless of the consequences.

To the Marxist analysts, it was a transition caused by the breakdown or collapse of the regime in which the military exercised almost no control. Luciano Martins for that matter takes this line of argument when he says that "an economic crisis of great magnitude may play an analogous role (although not equivalent) to that played in other countries by external defeat as the catalyst of the demise" of the military regime in Brazil.<sup>22</sup> He adds:

The reason is that economic promises of the regime, once frustrated, appear as a sort of internal defeat because they had previously performed such a legitimising function. Certainly in the Brazilian case the economic crisis (and the disastrous mis-management of the economy) has contributed, more than politically organised opposition, to the unstable equilibrium in which the regime finds itself.<sup>23</sup>

To him the basic question is not whether the transition was caused by military defeat at the hands of external force as was in the case of Argentina following the South Atlantic

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22. Martins, n. 5, p. 91.

23. Ibid.

war over Malvinas/Falklands islands, but the fact that the regime became thoroughly discredited and delegitimised. However, the fact that the transition in Brazil was gradually escalated and spread over a span of almost a decade between 1974 and 1985 does not suggest that it was a transition through breakdown or rupture.

Nor for that matter, the Brazilian liberalisation process through these years suggests, as others treat it, is a transition through extrication in which the military set limits regarding the form and timing of political change but was less capable of controlling the transition process beyond the moment of the first instance of political opening. What is implicit in this scenario is a situation where the regime withdraws from power because of its low level of legitimacy and internal cohesion but still manages to retain some control of the transition. Although it is appropriate to speak of the erosion of such a regime, the military manages to avoid breakdown. Instead, for a variety of reasons, including lack of popular support, the regime chooses to extricate itself, leading to negotiations between the military in power and the opposition, but the terms of the negotiations are less favourable to the former. It is however very difficult to fit the Brazilian liberalisation process into this paradigm. For, until the very final years

of *abertura*, the military was negotiating with the opposition from a position of strength and could very well continue to maintain its influence even after the civilian regime came to power.

What is suggested here is that the Brazilian liberalisation process beginning with Geisel's *distensão* till the election of Tancredo Neves is a transition in continuum ultimately consummating into a civilian democracy. What is also suggested is that the liberalisation process, notwithstanding the fact that it was initiated from "above" by the military, went through motions beyond the control of the regime involving other political actors both within and outside the regime. Once the process reached a point of no return the military had to negotiate, if not, necessarily to "transact" with the "opposition" forces of the regime. The objective of the military in this respect of effecting a "transition through transaction" may be broadly divided into two: one, to extricate itself from power and two, to emerge out without the prospects of *revanchismo* or damage to its own identity. In other Latin American countries the return to civilian democracy has taken different courses. The return to civilian government in Argentina, for instance, can be treated as a transition by breakdown or collapse of the military regime following the South Atlantic War whereas in

Peru, given the inexorable problems, both economic and political, the military chose the extrication path and installed the civilian government. In both instances the advent of civilian democracy was sudden and expected. Again, in both instances, the military lost its credibility and legitimacy. In contrast, the Brazilian transition to democracy was long-drawn and protracted with the regime's credibility more or less intact and, more so, at each stage of the liberalisation, at least until 1982, the military was in complete control of the negotiation processes.

It is against this hypothesis, an attempt is made in this monograph to analyse the political developments in Brazil during the time span of 1979-1985 under the Figueiredo administration. Prefacing the analysis will be a broad thumb-nail sketch of the political developments in Brazil beginning with the deposition of the civilian regime under Goulart. In this preliminary survey, the focus is on the major political reforms of the military regimes beginning from Castello Branco to Ernesto Geisel and assess the basic objectives of these regimes in implementing these reforms. What is of interest in this background account is to underline whether these reforms were intended to consolidate the military in power or, at the same time, liberalise the political process for an eventual return to civilian democracy.

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Following such a survey, is an attempt at delineating the political developments in Brazil with the inauguration of President Figueiredo. Divided into two chapters, the analysis will, while chronologically surveying the major political developments, attempt at interpreting reforms ushered in by the Figueiredo regime with a view to liberalisation. Obviously, the question that will have to be addressed is upto what point of time was it a process of liberalisation under the guidance of the military and with what objectives? Intrinsically related is the other more crucial question viz, whether the liberalisation process initiated by Figueiredo had the irrevocable logic of ultimate civilian democratization, and if so, what were the exigent circumstances that made the liberalisation unmanageable from the point of view of the military regime? Finally, the upshot of the protracted, to some extent, transacted transition -- did it meet with the original objectives of the military and at the same time satisfy the democratic aspirations of the opposition forces?

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**CHAPTER II**

**POLITICAL EVENTS SINCE 1964**



## POLITICAL EVENTS SINCE 1964

Events on 31 March - 1 April 1964 led to the ouster of the constitutionally elected President João Goulart and the seizure of power by the armed forces in Brazil. The evolution of the Brazilian political system from April 1964 for almost a decade since reflected a concerted attempt at curtailing political expression and freedom as the military purged from society those elements it considered subversive. Excesses of repression and violent opposition punctuated through these years began to show signs of change only in the mid-1970s. An attempt is made in this chapter to sketch the immediate events leading to the coup and the evolution of the military rule since.

### **Advent of the Military**

It is not as though the military in Brazil deposed a constitutionally elected government for the first time. Traditionally, the Brazilian armed forces under the earlier constitutions of 1891, 1934 and 1946 had played the role of *poder moderador* by taking into account the exigencies put to it by the political actors but essentially within the framework of the law -- *estado de direito* (the law-state). These constitutions described the role of the military in

two important aspects: the first, underlined the military as a permanent and national institution to fulfil the constitutional obligation of ensuring smooth functioning of the three branches of government -- the executive, legislature and judiciary -- and also, to maintain law and order in Brazil; the second sought the military to be obedient to the executive and even suggested that this obedience would only be "within the limits of the law" (*dentro dos limites da lei*), thus implicitly authorising the military to judge and determine the legality of the executive authority.<sup>1</sup> As a result of these provisions the military in Brazil has had a tradition of serving as a guarantor of the constitution during national crises with decisive interventions to restore order. While doing so the military refrained from either interpreting the law on its own or assuming power for a prolonged period of time. However, in 1964, following the deposition of the civilian regime, in the very first Institutional Act (AI-1) issued on 9 April 1964 by the military, it made an unequivocal declaration of a claim which it never made in the past: "The victorious revolution as a constitutive power is self-

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1. Alfred Stepan, *The Military in Politics: Changing Patterns in Brazil* (Princeton: Princeton University Press, 1971), p. 75.

legitimizing".<sup>2</sup> Thus it set the stage for tampering with and directing the Brazilian political process and thereby opened a new chapter in Brazilian civilian-military relations.

The Brazilian political process since the advent of Getúlio Vargas to power in 1930 had followed a zig-zag course leading first to his ouster in 1945 and finally, his suicide during his second term (1951-54) following military moves against him. This skewed course included the elected government of Juscelino Kubitschek (1956-61), the election and sudden resignation in 1960-61 of Jânio Quadros triggering off a succession crisis, and the eventual assumption of office by Vice-President João Goulart as the constitutional successor-in-line following a compromise settlement.<sup>3</sup> All the four military interventions during the 1946 Republic culminating with the April 1964 coup can in part be attributed to the mistrust and hostility of

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2. Institutional Act No. 1, Preamble, as quoted in Georges-André Fiechter, *Brazil since 1964: Modernisation Under a Military Regime*, Alan Braley, trans., (New York: John Wiley and Sons, 1975), pp. 244 ff.

3. See James W. Rowe, "Revolution or Counterrevolution in Brazil? - Part I: The Diverse Background", *American Universities Field Staff Reports*, East Coast South America Series (New York), vol. 11, no. 4 (June 1964), pp. 5-10. For a detailed study of Brazil since 1930 see Thomas E. Skidmore, *Politics in Brazil, 1930-1964: An Experiment in Democracy* (Oxford: Oxford University Press, 1967). See also Peter Flynn, *Brazil: A Political Analysis* (Boulder: Westview Press, 1978).

important sections of the armed forces towards Goulart and their disapproval of his "populist" policies.<sup>4</sup>

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4. Goulart, a *getulista*, had served as Vice-President under Kubitschek and Quadros. Within the military there existed differences of opinion on the question of allowing Goulart to succeed to the presidency following the resignation of Quadros in 1961. The compromise solution worked out after ten days of tension resulted in a parliamentary form of government where power was vested in a cabinet nominated by the President but responsible to the Congress. Goulart was sworn in and the army tradition of *civismo* (respect for legality) was upheld. Through a national plebiscite held in January 1963, Goulart regained his amputated powers and reorganised his administration. However, dissension in the Partido Trabalhista Brasileiro (PTB, Brazilian Worker's Party) - Partido Social Democratico (PSD, Social Democratic Party) alliance and within the PTB itself had undermined the confidence of the people in party politics. By mid-1963, the plans of San Thiago Dantas and Celso Furtado to formulate a viable economic programme for Brazil were abandoned. Viewing Congress as a stumbling block in his programme for "basic reforms" Goulart resorted to reforms by decree at public rallies. The first of these rallies was held on Friday, 13 March 1964 in Rio de Janeiro where Goulart dramatically signed two decrees: the first one nationalising all oil refineries under private ownership and placing them under Petrobrás (the federally owned and operated oil monopoly) and the second, the SUPRA (federal land reform agency) decree, which declared as "underutilised" properties within a six-mile radius of important federal communication and irrigation networks. Aware of the minority support on which his administration was functioning Goulart made a number of tactical moves to court various sections of society. By resorting to the spoils system, Goulart openly courted trade unions, students and other interest groups. Ministerial, bureaucratic and even military posts were "distributed" making the administration vulnerable to political manipulation. On the economic front, accelerated inflation, deteriorating standards of living of the working class, the increase in the absolute number of industrial workers all contributed to creating conditions for labour unrest and strikes, some of them of a political

Goulart however, had also made strategic moves to provide himself with a *cobertura militar* or *dispositivo militar* (military cover or disposition) by appointing loyalists to the four army commands and to other important posts.<sup>5</sup> Two significant events put an end to the vacillation of many officers on the question of moving against Goulart: the sailor's rebellion in Brasília in September 1963 and the naval mutiny in Rio de Janeiro in March 1964. In both cases, no punishment was meted out and in fact, in the latter case, President Goulart granted the two thousand sailors amnesty and asked them to challenge the principle of military hierarchy. This increasing politicisation of the military where its rigidly enforced discipline and command structure were threatening to disintegrate made the officer corps

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4. contd... nature. Attempts to mobilise the working class in support of political measures as well as the high frequency of strikes in the government sector led to military misgivings about "communist" infiltration of the state apparatus. For an authoritative account of Goulart's exit see Skidmore, n. 3, pp. 234-89. See also Flynn, n.3, pp. 207-80; Glauco Ary Dillon Soares, "The Rise of the Brazilian Military Regime", *Studies in Comparative International Development* (Georgia), vol. 21, no. 2 (Summer 1986), pp. 34-62, and Robert Dervel Evans, "The Brazilian Revolution of 1964: Political Surgery Without Anaesthetics", *International Affairs* (London), vol. 44, no. 2 (April 1968), pp. 272-5.
5. Refers to the system of military support which civilian political leaders in government construct for their purposes.

close ranks and act. Earlier on 20 March 1964, General Humberto Alencar Castello Branco, the Chief of Army Staff issued a memorandum to his staff stating that there must be no compromise with the "historical role" of the armed forces as the defender of the constitutional order and the enforcer of laws, "including those which guarantee the electoral process".<sup>6</sup> Following the circulation of this document, support for military action gained steady momentum.

Public statements and political manifestos issued by Governors Magalhães Pinto of Minas Gerais, Adhemar de Barros of São Paulo, Carlos Lacerda of Guanabara as well as support from the Catholic Church, a large section of the national press and leading professional and student organisations and the middle class led the military to raise the flag of revolt on 31 March 1964.<sup>7</sup> The dislodging of Goulart was met with widespread initial acceptance, and unable to muster

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6. *Instrução Reservada do General Castello Branco* (Confidential Instructions from General Castello Branco) as quoted in Octavio Ianni, *Crisis in Brazil*, Phyllis B. Eveleth trans. (New York: Columbia University Press, 1970), pp. 136-8.

7. All the three governors had presidential aspirations in the forthcoming elections.

enough support the former President fled from Brasília and subsequently went into exile in Uruguay.<sup>8</sup>

In 1964, the military, however, did not at once return to the barracks relinquishing its caretaker role, leaving the affairs of government to civilian politicians as they had done in 1954, 1955 and 1961. In the first days following the military takeover, an intense debate over strategy ensued within the army high command. The extremist "hard line" (*linha dura* or *duro*) faction of the military was of the view that the various military interventions since 1945 had not solved Brazil's political problems. According to one authority on contemporary Brazilian affairs: "They were determined not to repeat the mistake of delivering power to another sub-group of the political elite who might lead Brazil back to the cul-de-sac of "corruption" and "subversion". There would be no presidential elections before the military "revolutionaries" could make certain that the political rule had been changed to their

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8. In accordance with the provisions of Article 79 of the Brazilian Constitution of 1946, the President of the Senate, Auro de Moura Andrade declared the vacancy of the Presidency. On 2 April 1964, Ranieri Mazzili, President of the Chamber of Deputies was sworn in temporarily to hold office till such time that the national Congress could meet to elect a successor to serve out the remainder of the presidential term.

satisfaction".<sup>9</sup> Having watched the *sistema* in operation since the 1930s whereby various elites in Brazilian politics sought to maintain control and peace through conciliation and paternalism and not succeeding, this faction felt that the military should relinquish power only after cleansing (*saneamento*) the political system of its evils.<sup>10</sup>

As a result of political and legal tinkering and manoeuvring, on 9 April 1964, the three military ministers promulgated what was to be the first of a series of Institutional Acts in the name of the "Supreme Revolutionary Command" thus ignoring the emergency act drafted by civilian politicians. The preamble of the first *Acto Institucional* (Institutional Act, AI-1) stated:

The successful revolution invests itself of the exercise of the Constituent Power, which manifests itself by popular election or by Revolution. This is the most expressive and radical form of the Constituent Power. Thus, the successful Revolution like the Constituent Power is legitimised by itself. The Revolution dismisses the former government and is qualified to set up a new one. The Revolution holds in

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9. Skidmore, n. 3, p. 307.

10. For a detailed analysis of the *sistema*, see James W. Rowe, "The Revolution and the 'System': Notes on Brazilian Politics - Part I: Seeds of the System", *American Universities Field Staff Reports*, East Coast South America Series, vol. 12, no. 3, July 1966, pp. 1-15.

itself the normative strength inherent to the Constituent Power and establishes judicial norms without being limited by previous norms.<sup>11</sup>

This *pronunciamento* amended the 1946 Constitution by fiat setting aside a number of its provisions. The Act provided that the President could oust any federal, state or municipal official-- including judges and teachers who had made attempts against "the security of the country, the democratic regime or the probity of the public administration". The Supreme Revolutionary Command gave itself the power to dismiss any incumbent federal, state or municipal legislator and the power to suspend for ten years the political rights of any citizen thus depriving them of the rights to elect or be elected to public office. Judicial appeal was not permitted. The new President was also given the power to send any legislation to the national Congress for consideration whereupon it would have to act within thirty days failing which it would automatically become law. The President alone was empowered to initiate legislation dealing with the expenditure of public funds. Finally, the presidential elections scheduled for 3 October 1965 were to be held as planned, but the selection procedure was now in the hands of Congress rather than by direct vote of the

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11. Institutional Act No. 1 as quoted in Riordan Roett, *Brazil in the Sixties* (Nashville: Vanderbilt University Press, 1972), p. 27.

people. The President thus elected was to take office on 31 January 1966 at which time AI-1 would expire.<sup>12</sup>

Since the military had taken over the reins of government in 1964 in the name of preserving democracy, it tried to maintain for all purposes and appearances a semblance of representative democracy. Thus, the new President and Vice-President were "elected" to office by the emasculated Congress which continued to function despite the considerable curtailment of its legislative prerogatives. As a result of the incorporation of certain changes in the Constitution of 1946, General Castello Branco, who, as Chief of Staff, was earlier constitutionally ineligible to assume the office of President was named by the Congress to serve out Goulart's term which was to end in January 1966. In July 1964, in order to give President Castello Branco the time and opportunity "to carry out the

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12. Ibid., pp. 28-30. See also Phyllis Peterson, "Brazil Revolution or Reaction?" in Martin C. Needler, ed., *Political Systems of Latin America* (New York: Van Nostrand Reinhold, 1970), edn. 2, pp. 516-74. This authorisation which legitimised the armed forces as the supreme political power set a two month limit on what became the initial wave of *cassacos* (political purges). The list of affected citizens included figures such as former Presidents Kubitschek, Goulart and Quadros, the Brazilian economist Celso Furtado, and the chief of the Brazilian Communist Party, Luís Carlos Prestes. Nearly fifty members of the national Congress had their rights suspended under such criteria as "leftist", "extremist" and "corrupt".

objectives of the revolution", his tenure was extended to March 1967. Castello Branco and the members of the 'Sorbonne group' (notably General Golbery do Couto y Silva, Brazil's leading geopolitician) set about their task of ensuring *segurança nacional e desenvolvimento* (national security and development) in accordance with the ESG doctrine.<sup>13</sup> In June 1964 the *Serviço Nacional Informações* (SNI - National Information Service) was created and directed by General Golbery. This agency was responsible for collecting information pertaining to national security and would report directly to the chief executive.

From 1964 onwards, the incidence of *casuísmos* in the Brazilian political system became very frequent. "*Casuísmo*", as observed by an analyst of Brazilian politics, "is the common epithet used by opposition (and even government) politicians to describe the frequent manipulation of laws

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13. The Superior War College evolved as an important institution concerned with national security as well as development. President Castello Branco was a former Director of ESG. A number of prominent civilian leaders such as Planning Minister Roberto Campos, Finance Minister Otávio de Bulhões and Carlos Medeiros Silva, the main author of the Constitution of 1967 have also been involved in the activities of the ESG. See Thomas Sanders, "'Development and Security are Linked by a Relationship of Mutual Causality'", *American Universities Field Staff Reports*, East Coast South America Series, vol. 15, no. 3 (September 1971), pp. 1-11.

and norms governing elections, parties and political practices in Brazil, the use of formal jurisprudence in case by case of modifications".<sup>14</sup>

A number of events in 1965 helped to provide the political framework of the regime. The victory of a Quadros-backed candidate in the São Paulo mayoral election in March 1965 led the military to shift the emphasis of the 'Revolution' from economic stabilisation to the political sphere. On 15 July 1965, three laws were promulgated by the regime to strengthen its stronghold over the electoral system. The Electoral Code, among other things, forbade electoral alliances and raised the minimum criteria that parties had to meet to achieve or maintain legal status thus reducing the number of political parties. The Statute of Political Parties stipulated the framework for the organisation of new parties and the "Ineligibilities Law" barred, any ministers who served under the Goulart government following the national plebiscite of January 1963 from contesting elections. The Electoral Code and "Ineligibilities Law" were passed without final action by Congress under the powers given to the President. The

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14. David V. Fleischer, "Constitutional and Electoral Engineering in Brazil: A Double-Edged Sword, 1964-1982", *Inter-American Economic Affairs* (Washington), vol. 37, no. 4 (Spring 1984), p. 3. ff.

Political Party Statute, despite the changes suggested by Congress was issued in its original form.<sup>15</sup>

The victory of Israel Pinheiro in Minas Gerais and Negrão de Lima in Guanabara (both Kubitschek proteges) was seen by the hardline faction as the electoral success of the opponents to the regime, pressuring President Castello Branco to issue Institutional Act Number Two (AI-2) restoring to the government many of the powers that had expired under the AI-1.<sup>16</sup> The Complementary Act No. 4 of 20 November 1965 led to the condensation of the pluri-party system consisting of *Aliança Renovadora Nacional* (National Renovating Alliance, ARENA) the "government" party and the *Movimento Democrático Brasileiro* (Brazilian Democratic Movement, MDB) in the "opposition". What distinguished the two, according to one quip was that whereas ARENA said "Yes Sir" to the military, the MDB merely responded with a "Yes".<sup>17</sup>

AI-3 issued on 5 February 1966 provided for indirect elections for state governors by state legislatures and for

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15. Roett, n. 11, pp. 31-32.

16. Ibid., pp. 32-34.

17. Riordan Roett, "Brazil: Staying the Course", *Wilson Quarterly* (Washington), vol. 7 (Summer 1983), p. 54.

the selection of mayors in all capital cities by governors of the concerned states. Complementary Act No. 23 reduced the legislature to a rubber stamp by giving the executive the power to quiet the legislature. The Act stated that Congress consisted of "a group of revolutionary elements whose objective was to disturb the public peace and upset the coming election of November 15, thus compromising the prestige and the authority of the legislative power".<sup>18</sup>

#### **The 1967 Constitution**

The legal framework for all these changes and modifications was supplied by the adoption of the new Constitution on 24 January 1967 by Congress shortly before the end of Castello Branco's tenure as President. AI-4 of 7 December 1966 stated in its preamble that it was necessary to promulgate a new constitution that would "represent the institutionalisation of the ideas and principles of the Revolution".<sup>19</sup>

Following the advent of the military in 1964, an intense debate over strategy surfaced among the members of the military high command. The *linha dura* and *linha branda* factions differed with each other on the role to be played

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18. Roett., n. 11, p. 34.

19. Ibid.

by the military and the extent of "surgery" needed to be performed on the political system. Agreement prevailed on the decision that the military should retain power for a short period in its bid to correct the various imbalances that had crept into the Brazilian economy and polity. However, the hardliners held the view that power could not and should not be returned to the political class in that they were ill-equipped to govern and needed drastic purges and a complete overhaul of the political system. The moderate faction led by Castello Branco felt that minor surgery would reorient the system and the military could hand over power to a civilian government following elections.<sup>20</sup>

From 1964 to 1967, the increasing marginalisation of Congress in the political process became apparent. Twelve per cent of the members of the Chamber of Deputies were stripped of their political rights following AI-1. The drastic curtailment of the legislative powers of Congress as well as the artificial regrouping of political parties under a bi-party system following the death by decree of the multi-party system also contributed to the weakening of Congress. In October 1966, Castello Branco ordered the

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20. Fleischer, n. 14, pp. 16-17.

closure of Congress and placed armed guards around it when legislators reacted against the use of cassation power against six more Deputies. In the 15 November 1966 elections, more than one-fourth of the Deputies failed to get re-elected adding a pronounced lame-duck quality to a body that was to vote on the Constitution a few weeks later. Thus, the voting of the Constitution (drafted by the executive branch) was also the swansong of the Fifth Congress of the 1946 Republic.<sup>21</sup> According to one observer:

It seems clear that the military felt the need to preserve the symbol of constitutionalism that has marked Brazilian history in both the nineteenth and twentieth centuries. It is also clear that the military regime felt little compunction in violating both the spirit and the letter of the Constitution when it was deemed necessary in the interests of the Revolution. Thus, the Institutional Acts represented the reality of the 1964 movement in that they were the authoritative statements of the regime's political purpose; the Constitution remained a legal exercise that was retained because it signified so little in reality. It was a juridical statement of intent, not a political document of relevance to the governance of the Brazilian state.<sup>22</sup>

The increasing authoritarianism of the revolutionary government according to another writer can be attributed to

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21. James W. Rowe, "Brazil Stops the Clock - Part I: "Democratic Formalism" before 1964 and in the Elections of 1966", *American Universities Field Staff Reports*, East Coast South America Series, vol. 13, no. 1 (March 1967), pp. 4-5.

22. Riordan Roett, *Brazil: Politics in a Patrimonial Society* (New York: Praeger Publishers, 1984), p. 127.

three factors: first the attitudes of the military towards a return to populist politics; second, the chaos within the political elite that should have made up the opposition, and third, the apathy of the people at large and their minimal response to the deprivation of political rights and other repressive measures giving the impression that the public had reconciled itself to rule by technocrats under military supervision.<sup>23</sup>

In November 1966, a "joint" session of Congress (boycotted by the opposition MDB mourning the 'funeral of democracy') elected Marshal Artur da Costa e Silva with 295 votes as Brazil's new President. Due to his non-'Sorbonne' background as well as to some extent, his independent power base following his mediation in the October 1965 crisis within the military of a "coup within the coup", Costa e Silva was not Castello Branco's first choice.<sup>24</sup> One editorial summarised the events leading to his selection:

The War Minister was convinced that he was not in a position to launch his candidacy against Castello, or

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23. Skidmore, n. 3, p. 321.

24. Rowe, n. 21, p. 10. For an account of the October 1965 crisis see James Rowe, The "Revolution" and the "System": Notes on Brazilian Politics - Part III: The "Revolution" - Generals and Technocrats", *American Universities Field Staff Reports*, East Coast South America Series, vol. 12, no. 5 (August 1966), pp. 24-26.

without his support. The President, for his part was convinced that he could hardly promote a different candidate, so long as the War Minister remained loyal to the government. Put more directly and crudely, if the War Minister had put himself with the opposition, Castello would have the great majority of the Armed Forces on his side; but if the President launched hostilities against the Minister, supporting a different candidate without justification, Costa e Silva would have had a majority of officers in his favour.<sup>25</sup>

The succession crisis was thus resolved on the considerations of unity and unanimity within the Armed Forces. In his speech to Congress after his election, Costa e Silva declared: "I do not admit that anybody has the right to doubt that my intentions are democratic... I have to accomplish what is the supreme aim of the Revolution of March 1964, and that is to establish a true democracy in Brazil".<sup>26</sup>

Castello Branco however, left for his successor a political, legal and institutional framework as a way of keeping the years ahead secure and underpinning Costa e Silva's freedom of action. He promulgated 191 decrees and laws, one institutional act and 17 supplementary acts before 15 March 1967 and in advance also annulled the civil rights of ninety people. Undoubtedly, at the institutional level,

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25. Quoted in Rowe, n.21.

26. President Costa e Silva as quoted in Fiechter, n. 2, p. 109.

the most significant measure was the ushering in of the new Constitution which was to come into force on 15 March 1967, the day that Costa e Silva assumed the presidency. In the economic sphere as well, Castello Branco caused Roberto Campos to get the blueprint ready for a new Ten Year Economic and Social Development Plan for the period 1967-76, prior to his departure from government.<sup>27</sup> Eventually, however, Costa e Silva replaced this plan by the Strategic Development Programme (PED) under his powerful Minister of Finance, Antonio Delfim Neto. The team chosen by Costa e Silva had three characteristics: (i) No member of his predecessor's cabinet was reappointed; (ii) all the posts directly linked to the activation of the development policy based on the War College doctrine were held by military men; and (iii) a fresh orientation had been given to the ministers dealing with economic affairs (finance, planning and industries).<sup>28</sup>

Ironically enough, Costa e Silva's attempts at "humanisation" were frustrated by the same forces that the previous administration had sought to control and led to an even more coercive regime in less than a year and a half since his assumption of office. Throughout the latter half

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27. Ibid., pp. 118-30.

28. Ibid., p. 124.

of 1968, the fissures within the regime had deepened, polarising around the moderates who favoured a semi-constitutional framework with limited civilian participation on the one hand and the hardline nationalists led by Interior Minister General Alfonso Albuquerque Lima supporting military pre-eminence.<sup>29</sup> In October, the same year, a group of captains belonging to the First Army located at Rio de Janeiro issued a manifesto which indicated that in the modernisation of Brazil firm leadership was an important component and abusive disregard for national priorities from civilians would not be tolerated. On 12 December 1968, Congress met to consider the question of lifting the parliamentary immunity of Deputy Márcio Moreira Alves. The break-up of votes revealed that 216 members voted against, 141 in favour of the motion with 15 abstentions which meant that 94 ARENA members had voted across party-lines. The next day to regain control of a rapidly deteriorating situation, Costa e Silva signed AI-5 and its Supplementary Act No. 38

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29. The two positions came into conflict over the issue of a speech made in Congress by Deputy Márcio Moreira Alves who urged Brazilians to boycott the military parades to commemorate Independence Day (7 September) as well as to forbid their womenfolk from socialising with men in uniform. The hardliners led by General Sarmiento finding this speech distasteful and disgraceful called for appropriate action. Costa e Silva failed to get Congress to remove Alves' parliamentary immunity in his bid to solve the issue through legal means.

in order to secure the "continuity of the Revolution" and stated that the "revolutionary process unfolding could not be detained". The Act caused national Congress, legislative assemblies and municipal councils to proceed on indefinite recess thus providing for rule without elected civilian interference.<sup>30</sup> The Act also appeared to bring together the factions within the regime and January 1969 saw the exit of Albuquerque Lima from the Cabinet.

AI-6 of 1 February 1969 amended Article 113 of the 1967 Constitution stating that the Supreme Court would consist of eleven members nominated by the President and national security crimes would be tried by the Superior Military Court. AI-7 of 26 February 1969 regulated the functioning of legislative assemblies and municipal councils. AI-8 of 2 April 1969 dealt with administrative reform of municipalities. AI-9 of 26 April 1969 provided for government expropriation of, and compensation for rural lands. AI-10 elaborated on penalties that accompanied the suspension of political rights on the cancellation of elective office. AI-11 established dates for elections of municipal officials which had been held in abeyance since the promulgation of AI-7. These Acts illustrated that the

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30. Roett, n. 11, p. 46.

1967 Constitution authored by the military could be violated and reformulated to suit the interests of the armed forces. According to one analyst, "sworn to defend the constitution, the military have violated and rewritten it to suit their needs; fully aware of their historical role as guardians and defenders of the constitution, the armed forces find themselves challenging and disregarding that document".<sup>31</sup>

The recurring fissures in the military monolith were evident in the press release of 21 July 1969 concerning the forty-second meeting of the Army High Command stating that the deliberations had included "an analysis of the various aspects of the problems resulting from terrorist activity and from recently discovered efforts to weaken the discipline and unity of the Army" and also "the fundamental need to safeguard the cohesion of the Army by channelling all effort through the chain of command and through discipline was unanimously affirmed".<sup>32</sup>

During this tension-ridden state of affairs, heightened by fresh incidents of terrorism, conflict with the Church and student agitations, on 13 August 1969, Costa e Silva suffered an attack of cerebral thrombosis (to which he

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31. Ibid., p. 28 and pp. 39-41.

32. Fiechter, n. 2, p. 170.

eventually succumbed on 17 December 1969). By the 1967 Constitution, Vice-President Pedro Aleixo, a *mineiro* civilian formerly of the UDN (National Democratic Union) was the successor-in-line. On 31 August 1969, the triumvirate of the three military ministers informed the nation of the gravity of the President's illness and promulgated AI-12 "in the name of the President of the Republic temporarily impeded from exercising his functions for reasons of health". The document stated that "the situation the country is experiencing precludes the transfer of the responsibilities of supreme authority and supreme command of the Armed Forces...".<sup>33</sup> Violating the Constitution, that they themselves had promulgated in 1967, the armed forces once again determined and directed the constitutional succession to the presidency.

As noted by one observer, the Army despite the hardening of its stances was in a state of disequilibrium when Costa e Silva was incapacitated. The change in the attitude of the Armed Forces between 1964 and 1969 was quite evident. The doctrines of the ESG had acquired a fresh orientation and it was becoming increasingly difficult to distinguish between the original hardliners and the

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33. Roett, n. 11, pp. 41-42.

'Sorbonne' group. The changes in the senior ranks of the army by way of promotions and retirements were responsible, to some extent, for this trend. The exercise of power had produced a kind of amalgam of the two views that was at once more nationalist and less amenable to discussion. These younger officers who had been cut off from the traditional democratic patterns from which their seniors drew inspiration, thought of the military government as an organisation that would lead the country towards political stability which was the basis of national security and that its moral authority was a substitute for popular vote.<sup>34</sup>

Discontent in the army increased following the capitulation of the government to terrorists to secure the release of the United States Ambassador Charles Burke Elbrick on 4 September 1969 in Rio de Janeiro. To achieve the dual objectives of displaying proof of its will to deal with armed subversion as well as to soothe ruffled tempers within the army, the government took stern steps. AI-13 of 8 September 1969 empowered the government to banish from Brazil any persons considered dangerous to the nation's security. AI-14 modified Article 153, Paragraph 11 of the Constitution and established the death penalty or life

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34. Fiechter, n. 2, pp. 171-2.

imprisonment for those guilty of indulging in "psychological", "revolutionary" or "subversive" war against the nation.<sup>35</sup>

These Acts were reinforced by the new National Security Law issued on 18 September 1969. As a result another wave of repression was unleashed. AI-16 of 14 October 1969 declared the office of the President and Vice-President vacant and with Congress in forced recess, the executive exercised the prerogatives of the legislature. Thus, "by precluding the constitutional succession of the civilian vice-President, the military prepared the way for the creation of a more rigidly authoritarian government to succeed Costa e Silva".<sup>36</sup>

On 16 September 1969, the three military ministers in consultation with the Army High Command announced that a committee of three members had been instructed to consider two issues over which the Army was divided and weigh all the options for the succession<sup>37</sup> as well as to fix the new

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35. Roett., n. 11, p. 42, and Fiechter., n.2, pp. 173-4.

36. Roett., n. 11, p. 46.

37. For a detailed analysis of the internal dynamics of the succession and selection process see Ronald M. Schneider, *The Political System of Brazil: Emergence of a 'Modernising' Authoritarian Regime: 1964-1970* (New York: Columbia University Press, 1971), pp. 291-311.

presidential term.<sup>38</sup> The three important names that emerged were those of General Emílio Garrastazú Médici, a former SNI chief and supporter of Costa e Silva and the current Commander of the Third Army, General Orlando Geisel and the former Interior Minister General Albuquerque Lima. In the end supporters of Castello Branco and Costa e Silva united to back Médici thus blocking the candidature of Albuquerque Lima. Admiral Augusto Haneman Rademaker Grünwald, the Navy Minister, received the Vice-Presidential nomination from ARENA. Again, the MDB did not offer nominations for these posts. On 25 October 1969, Médici and Rademaker were elected by Congress by 293 votes and 76 abstentions to serve their terms till 15 March 1974.

Earlier, through an amendment to the Constitution all the emergency regulations promulgated since 1967 were incorporated into the Constitution including the right of the executive to suspend civil rights under the terms of AI-5 which now became permanent. The amendment further reduced the powers and size of Congress and further centralised the control of the chief executive over legislation relating especially to financial matters.

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38. The 1967 Constitution set the period at four years. The constitutional amendment of 17 October 1969 introduced a five year term. See *Constitution of Brazil, 1967* (As Amended) (Washington, D.C.: Organization of American States) Article 75, paragraph 3, pp. 32-33.

According to one writer,

The amendment represented the determination of the military to ensure a presidential succession unmarred by dissent or protest. It provided the new chief executive with all the power required for governing and controlling the nation. By moving to promulgate these decisions before the election of General Médici, the military high command assumed collectively the responsibility for the political decision to emasculate the 1967 Constitution.<sup>39</sup>

President Médici returned to the method of government by "authoritarian-centralism" which Castello Branco had begun. The benefits of the economic "miracle" (1968-73) were reaped by the Médici administration both in terms of strengthening economic growth as well as the political position to some extent of Brazil's military revolution.

Médici, "a bland compromise figure simply to maintain a minimum of military unity",<sup>40</sup> however, managed to succeed in the elimination of public differences and discord between the *linha dura* and *linha branda* factions of the military and made provisions for internal governmental channels for airing of grievances and opinions. By emphasizing the principle of military hierarchy and chain of command and by satisfying the interests of various contenders, President Médici succeeded in stopping, to a considerable degree, the

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39. Roett, n. 11, p. 48.

40. Stepan, n. 1, p. 265.

tendency of the two factions to act and operate more or less like political parties, "aggregating different points of view about national aims trying to influence policy and seeking power".<sup>41</sup>

The dramatic surge in economic growth did not mean that the regime had let up on its political control. The drive against subversion continued. The President took important steps in order to ensure his control over the political process. Press censorship tightened the regulations that forbade criticism of economic policy, comments on political liberalisation, amnesty for prisoners, and most importantly, the question of presidential succession. In a speech commemorating the eighth anniversary of the "revolution" on 31 March 1972, Médici stated: "It would be an ill service to the country to open this political question while the date for such an event is still far distant. Only in the second half of next year will the parties be called upon to express their opinion as to the presidential succession".<sup>42</sup>

Médici, by taking such a step was endeavouring to avoid a repetition of the events that brought Costa e Silva to power and also to eliminate the risk of divided loyalties

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41. Thomas G. Sanders, "The Brazilian Model", *American Universities Field Staff Report*, East Coast South America Series, vol. 17, no. 8 (August 1973), p. 8.

42. Fiechter, n. 2, p. 189.

among military personnel for incoming and outgoing Presidents as had happened under Castello Branco. This forthright warning can thus be construed to mean that it was addressed not so much to ARENA or MDB but his own ministers -- civil and military.<sup>43</sup>

The second measure was the second constitutional amendment of 3 April 1972 whereby Article 13, Chapter 9, paragraph 2 of the Constitution of 1967 was changed. As a result, the gubernatorial elections scheduled for October 1974 would be held by indirect voting. This decision was aimed at circumventing the MDB electoral strategy of winning as many gubernatorial posts as possible by ventilating their grievances against the regime and using the forthcoming elections to vote against the government. The *sub-legenda* system was introduced for elections to the office of senator and mayor whereby the party accumulating most votes won the office and the candidate with most votes on the winning party ticket was declared elected. The membership of the Chamber of Deputies was reduced to 310 from 409. A system of tied balloting was also introduced whereby candidates for state and federal deputy had to belong to the same party. In order to separate local from national political issues, the

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43. Ibid.

municipal elections (scheduled for 1972, 1976 and 1980) were deliberately set out of phase with legislative elections (scheduled for 1974, 1978 and 1982).<sup>44</sup> General Leitãu de Abreu, the Chief of the Presidential Civilian Household was one of the chief architects of these changes.<sup>45</sup>

### **Enter Ernesto Geisel**

In June 1973, President Médici announced the selection of General Ernesto Geisel, the head of Petrobrás, as the ARENA candidate for the January 1974 presidential elections. For the first time since 1960, there was rivalry for the office as the MDB fielded Ulysses Guimarães as its candidate. Predictably, the ARENA nominee won the election and the inauguration of General Geisel as the fourth President of the military regime took place on 15 March 1974. A former aide to Castello Branco, the man regarded as the 'most civilian of the military', it was hoped that Geisel's election would herald a departure from the policies of the preceding administrations of Costa e Silva and

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44. Fleischer., n. 14, pp. 18-19.

45. General Abreu would eventually be appointed to the same post in August 1981 under President Figueiredo following General Golbery's resignation and would play an important role in the tailoring of the electoral system to favour the regime in the 1982 elections.

Médici. A number of expressions such as *distensão*, *decompressão* and *normalização* gained political currency implying relaxation and an easing of repressive controls. President Geisel himself in a speech to his Cabinet stated that he would "welcome sincere movements toward gradual but sure democratic progress" and "more participation from responsible elites and from the people in general" with a view to arrive at a "basic consensus". However, he quickly added that all these were in an effort to proceed to the institutionalisation of the principles of the Revolution of 1964". While justifying the use of "extraordinary instruments" which he said were necessary "to maintain an atmosphere of security and order", Geisel hinted at their use "less frequently".<sup>46</sup>

Obviously, the tone and tenor of Geisel's remarks betrayed caution and circumspection in respect of proceeding with the "revolution". True to his exhortations Geisel introduced such measures that enabled "more participation" of the electorate. These included: maintaining the electorate as the basis for representation, expansion of the membership of the Chamber of Deputies from 310 to 364 seats,

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46. Speech of President Geisel to the Brazilian Cabinet (1974) as quoted in Brian Loveman and Thomas M. Davies, Jr., ed. *The Politics of Antipolitics: The Military in Latin America* (Lincoln: University of Nebraska Press, 1978), p. 195.

access to the television network to all the candidates at the state level and freedom to campaign openly as well as prohibiting the *sub-legenda* system for the Senate.<sup>47</sup>

The Congressional elections held on 15 November 1974 saw the opposition MDB make major advances by winning 16 of the 22 Senate seats with 61 per cent of the vote (as against 39 per cent for ARENA) and electing 172 members to the Chamber of Deputies (as against 192 for ARENA) vastly improving its position from 87 seats in the earlier Congress.<sup>48</sup> MDB also had elected majorities in six state legislatures including São Paulo and Rio Grande do Sul as against only one (Guanabara) prior to the elections. Various sections of the society regarded the results of the 1974 elections as a plebiscite of the 1964 military 'revolution' indicating that the regime had lost support, been suitably chastened, or both.<sup>49</sup>

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47. Fleischer, n. 14, p. 19.

48. Roett., n. 22, pp. 146-7. Subsequently, a presidential aide was quoted as saying that the government "allowed" the MDB gains "to happen" and "it is to our interests to have a vigilant opposition". *International Herald Tribune* (Paris), 20 November 1974.

49. *Ibid.*, n. 22. For an analysis of parties and political control, see Margaret J. Sarles, "Maintaining Political Control Through Parties: The Brazilian Strategy", *Comparative Politics* (New York), vol. 15, no. 1 (October 1982), pp. 41-72.

While civilian sectors appeared to be satisfied with the outcome of the elections, President Geisel had to contend with the hardliners who viewed electoral politics as the cause for corruption. From this point onwards Geisel embarked on a strategy of pragmatically advancing "two steps forward and one step backward" following "carrot and stick" methods of trying to keep both groups (opposition within and outside the regime) happy.<sup>50</sup> In other words, the Geisel government vacillated between the paradoxical situations of authoritarianism and "relative democracy".

The death from torture during detention of Vladimir Herzog, a journalist and later of Manuel Fiel Filho, a worker, led to the dismissal of General Ednardo d'Avila Mello, the Commander of the Second Army at Sao Paulo, by President Geisel constituting a direct challenge to the hardliners. However, being the Commander-in-Chief, Geisel's action was supported by the consensus of the armed forces and human rights violations by the security agencies were considerably reduced.<sup>51</sup> While taking steps towards *lenta e segura distensão* (slow and sure relaxation), Geisel however,

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50. Roett, n. 22, p. 147 and see also Thomas G. Sanders, "Human Rights and Political Process in Brazil", *American Universities Field Staff Reports*, East Coast South America Series, no. 11, March 1980, p. 3.

51. Sanders, n. 50, p. 3.

made it abundantly clear that he would orchestrate and oversee the process. Thus, under the exceptional powers guaranteed by AI-5 the Geisel administration cancelled the political rights of federal and state legislators charged with corruption and/or criticism of governmental policy.<sup>52</sup>

The November 1976 municipal elections produced a mixed bag of results wherein ARENA emerged successful in rural areas and MDB was ahead in urban constituencies. Analysing the outcome of the elections, one observer stated:

The most important thing about these elections was quite clearly the fact that they had been held. Opportunity had been given, and duly taken, for wide-ranging debate on the economic, social and political priorities of the regime, for examination of alternative strategies, for discussion about the gains and losses of the last thirteen years, for comparison with earlier performance under, for example, Kubitschek, and for a finer awareness of how far the present system could be stretched. Both Geisel, to whom all credit should be, and was given, and the opposition had explored the limits of *distensão*, and found that, despite an aggressive, even vicious right-wing in the army and the state, those limits could be extended.<sup>53</sup>

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52. A case in point whereby the government would allow political activity under one rule and ban it under another was the 27 June 1977 television programme where MDB was allowed to discuss political matters. Alencar Furtado, the leader of MDB in the Chamber of Deputies and Ulysses Guimarães launched a frontal attack on the regime. Three days later Geisel in an interview with French television stated: "Brazil is a free country where everyone can live freely and exercise all their rights". The very next day Furtado was removed from office and his political rights were suspended for a ten year period. See *New York Times*, 9 July 1977.

53. Flynn, n. 3, p. 505.

As a concession to pressures from the *linha dura* faction of armed forces, Geisel adjourned Congress for the first two weeks of April 1977 under AI-5 following the refusal of that body to provide a two-thirds majority required for the passage of a judicial reform bill. As noted by one analyst: "the whole 'crisis' was obviously manufactured to enable Geisel to rule by decree and to strip Congress of its remaining independence".<sup>54</sup>

Following the closure of Congress, Geisel promulgated the *Pacote de Abril* (April Package) which included a number of regressive measures: (i) voting for gubernatorial posts in 1975 would be indirect and held through electoral colleges, the majority of which were controlled by ARENA; (ii) the *Lei Falcão* of 1976 prohibiting access to television and radio was extended to other forthcoming elections as well;<sup>55</sup> (iii) distribution of seats in the lower chambers of states was once again dependent on the size of the population (instead of being based on the electorate as was

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54. Robin L. Anderson, "Brazil's Military Regime Under Fire", Current History, vol. 74 (February 1978), p. 62.

55. This law placed restrictions on the use of public media for electoral publicity. Only the name of the party, the candidate's photograph and brief background could be announced. The law was heavily tilted in favour of ARENA as illustrated by an estimate whereby MDB got one hour's coverage for every 4,367 hours for ARENA. See New York Times, n. 52.

the case in 1970 and 1974), thereby adding to the number of legislators from the *nordeste* (northeast) regions which were supposed to be strong vote banks of the government, thus, the Chamber membership was increased further from 364 to 420; (iv) of the two Senate seats from each state, one was to be filled by indirect elections through respective electoral colleges causing such senators to be sarcastically dubbed as *biônicos* in Brazilian political parlance.<sup>56</sup> The other seat would be filled by direct election, however through the revived *sub-legenda* system; and (iv) beginning with Geisel's successor, the presidential term was further increased to six years. Also, the date for the nomination of the next President was advanced to October 1978 from January 1979.<sup>57</sup>

Turbulent and vocal opposition greeted the *Pacote*. Students, members of the clergy, lawyers, intellectuals and opposition civilian leaders condemned the measures and demanded changes. A group of active-duty colonels numbering about 110, working under the banner of *Movimento Militar*

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56. The term *biônico* a descriptive nickname given to those senators elected indirectly in 1978 resulted from the popularity at that time of the imported television programme "Bionic Woman".

57. Roett, n. 22, p. 148 and Fleischer, n. 14, pp. 20-21.

*Democrático Constitucionalista* (MMDC) issued a public manifesto on 21 April 1978. In this document, the colonels proclaimed their loyalty to the coup of 1964 "which resulted in the salvation of our democratic institutions". Stressing the way "ambitious people" had "infiltrated our community creating an entire system for the perpetuation of their own power", the colonels stated that their aims "...are the same as those of the great majority of the people, as evidenced by the massive participation in the elections, in the declarations of intellectuals, in the stands taken by the Church, judges, the press and parliament". Further, "it is time for peace and harmony... we must restore, without delay, a government of law and order".<sup>58</sup> To achieve this aim, they demanded free and direct elections to a constituent assembly, amnesty for political prisoners, abolition of AI-5 and other such authorisations, restoration of *habeas corpus* and *prerrogativas da magistratura* (judges' guarantees). The colonels also asked for the formation of a provisional government consisting of representatives of the armed forces, the bar association (*Ordem dos Advogados do Brasil*) the ARENA and MDB, and chaired by the president of the *Supremo Tribunal Federal*. This provisional government would then transfer power to the representatives elected

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58. As quoted in Flynn, n. 3, p. 510.

according to the guidelines formulated by the constituent assembly.<sup>59</sup>

President Geisel, however, faced his most serious political crisis when he unilaterally chose a three-star general as his successor superseding senior four-star officers such as General Hugo de Abreu (the head of the Casa Militar - the President's Military Household) and the Army Minister General Sylvio Coelho da Frota. In October 1977, the Army Minister was relieved of his duties for plotting against Geisel's moves towards *distensão* among other things. In January 1978, the candidacy of the SNI chief General João Baptista Figueiredo and a civilian, Auréliano Chaves de Mendonça (Governor of Minas Gerais) for President and Vice-President respectively was announced. The opposition MDB announced the candidature of General Euler Bentes Monteiro for President and also selected a civilian as his running-mate.

On 1 December 1977, President Geisel made an unexpected announcement stating that the time had come to proceed with liberalisation through a series of reforms. According to one view: "the expectation was that Figueiredo had agreed to the Geisel agenda and time-table and that the transition to a

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59. Ibid., pp. 510-11.

more open and democratic society had begun".<sup>60</sup> In May 1978, the first major wildcat strike since the 1964 coup took place in São Paulo and the metal workers union of São Bernardo shot into the national limelight. In June 1978, the government lifted press censorship which had been in existence since the 1964 military takeover. Congress, at the behest of the government also began considering issues involving liberalisation importantly, the abolition of the institutional acts, restoration of *habeas corpus* and political liberties, creation of new political parties and limitations on the chief executive's power to adjourn Congress. Geisel, however, made it emphatically clear that he would not accept any changes either in his April Package or in the *Lei Falcão*. The new National Security Law of October 1978 replaced AI-5 while incorporating basic security measures spelt out in the institutional acts. It was meant to give doubting Thomases the impression that the "liberalisation was indeed controlled from the top".<sup>61</sup>

On 15 October 1978 after a vigorous nation-wide campaign, unusual for a military-directed *sucessão* (succession) with a pre-determined electoral result, the

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60. Roett, n. 22, p. 149.

61. Ibid., pp. 149-50.

Figueiredo-Cháves team was voted into office by the electoral college. The election campaign played a significant role in legitimising the Geisel (and the following) regime's "commitment" to the political opening and liberalisation.

The Congressional elections of 15 November 1978 led to the election of 231 ARENA Deputies to MDB's 189. The Senate had a 42 to 25 ARENA majority (which also included the 22 new *biônicos*). Thus, Figueiredo was assured from the outset that ARENA would have a majority in both Houses of Congress to facilitate the passage of his programmes and policies in a controlled and managed political environment. On 1 January 1979, Geisel abolished AI-5 and ended Decree Law 477 which banned political activities of students and academicians. Against this backdrop, the Figueiredo administration was ushered in on 15 March 1979.

CHAPTER III

AGONISING PROCESS OF *ABERTURA*

## AGONISING PROCESS OF ABERTURA

The evolution of the political process in Brazil since the advent of the military in 1964, as has been stated in the preceding chapter, suggests that concerted attempts were made by the successive regimes to rid the country of internal disorder and purge subversive elements. However, beginning in 1974 with the succession of Geisel and since, the process pointed to a begrudgingly gradual trend toward greater freedom of political expression, organisation and activity, nevertheless within the control of an essentially military regime. As conceived by the Geisel administration and supervised by his advisor General Golbery, the objective apparently was to relieve repression and pressure at the edges by stages but, more importantly, without a schedule.<sup>1</sup> The "master plan" seemed to have functioned

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1. General Golbery exercised overwhelming influence on the political process for a fairly long period of time. His powerful and influential manoeuvres partly help explain the feuding and dissension within the military establishment. General Hugo de Abreu who resigned following Figueiredo's selection, tried to enlist the support of other generals in a widely circulated letter condemning "machinations" by "a place group led by General Golbery". Instrumental in formulating the security with development strategy following the Second World War, Golbery was also the chief of IPES (Institute for Research and Social Studies), before the 1964 coup. He also established the SNI which served as a monitoring agency against "dissidence". For an account of General Golbery's activities see *New York Times*, 18 February 1979.

rather effectively from the regime's point of view till Geisel chose his successor. Yet, subsequent events escaped official control and what began as a "transition from above", before long, became a more negotiated and inclusive "transition through transaction". What led to the uncharted course of transition -- the twists and the turns it took, the contradictions and ambiguities it encountered -- finally, leading ironically to the chief of the National Intelligence Service (the very institution that was responsible for the repression) himself to preside over the liquidation of the military regime is the focus of the present and the following chapters.<sup>2</sup>

### **Dissensions Within and the Dilemmas of the New Administration**

Months before assuming office João Baptista Figueiredo publicly stated that his mission was to ensure "progress

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2. During the *sucessão* phase a vigorous campaign was launched by the Geisel government to change the general impression about Figueiredo as a "Minister of Silence" and the chief of the security establishment accused of human rights violations to that of an officer oriented towards democracy. As a result constant references were also made to his father General Euclides Figueiredo who preferred to live in exile rather than under dictatorship in the 1930s. ARENA, in fact, hired an advertising agency to handle Figueiredo's election campaign.

with freedom, order with democracy, peace with justice and state security with individual safety".<sup>3</sup> He, however, was categorical in asserting that all his assurances were not intended to usher in a full-fledged democratization of the political process in the country. In one interview he stated: "I have not yet defined my concept of democracy. How can it be clear? There are different kinds of democracies but liberalism is definitely dead" and added that the Brazilian form of democracy would be "relative" (a term coined by President Geisel), as "full democracy" was neither practical nor feasible.<sup>4</sup> In a speech that Figueiredo's political mentor Golbery made subsequently at the ESG, the latter deciphered the new administration's intentions more clearly. Golbery stated that what was intended was to rectify the "excess of centralisation" that was unleashed since 1968 because the cumulative economic pressures and social unrest inevitably could find an outlet in protest against "undisguised authoritarianism" and create polarisation that would lead to "dangerous radicalisations". He further stated:

We marched, unconsciously, toward maximum centralisation, side by side with maximum inefficiency, in a process of concentration that could -- in its extreme -- be compared with the phenomenon of

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3. *Latin America Political Report* (London), 20 October 1978, p. 324.

4. *New York Times*, 23 April 1978.

'black holes', which have been detected by modern astronomy, and where even the light of the star itself cannot escape the growing gravitational force.<sup>5</sup>

Developing the argument he emphasised that "social structure, which became subjected to intolerable pressures, was caught, as it were, in the limits of centralisation-decentralisation of the state". Failure to come to terms, in his view, would risk the end of the entire system. What was required, according to Golbery was a political opening of the system to allow the steam to escape from "the pressure cooker".<sup>6</sup> What was to be regained was the regime's legitimacy. To achieve that it was necessary to divide the opposition and to dismember the MDB as a solid opposition front. Figueiredo himself made it abundantly clear when he said in January 1979: "The game will go on, but if the opposition goes beyond established limits, I will pick up the ball and put a stop to it".<sup>7</sup>

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5. "A Abertura por Golbery: Documento - A Conferencia Secreta de ESG", *Veja* (Rio de Janeiro), 10 September 1980, pp. 3-4.

6. *Ibid.*

7. It appears that Figueiredo had made frequent references to this effect before. The earliest such statement seems to have been made at a dinner for war college trainees in August 1978 wherein he said: "The game is beginning and as soon as I'm in office, the ball will belong to me. If the politicians play well, fine, but if they play badly, I will put the ball under my arm and leave the field. The playing around will be over". *New York Times*, 18 March 1979.

The men he chose to play the "game" at the beginning were for all intents and purposes the so-called hardliners. Within the military establishment, he favoured such men as his brother General Euclides da Oliveira Figueiredo who was promoted to the position of Commander of Vila Militar in Rio de Janeiro, General Milton Tavares de Sousa as the Chief of the Second Army at São Paulo, General Walter Moniz was designated as the Head of the ESG. Figueiredo's Army Minister was General Walter Pires de Carvalho Albuquerque, head of the SNI was General Newton de Oliveira e Cruz and the Navy Minister Maximiano da Fonseca -- all were acknowledged hardliners.<sup>8</sup> His Cabinet too was stocked with civilian "heavy weights" divided between Médici and Geisel. If he retained Golbery as the Head of the Civilian Household at the *Planalto* and Mario Henrique Simonsen as Planning Minister, the Geisel "loyalists", there were "Médici men" such as Delfim Neto and Mário Andreazza as ministers of agriculture and interior respectively.

The presence of these "heavy weights" drawn from different ideological persuasions made the going rough.

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8. The attitude of the *duros* is amply reflected in the statement made by General Euclides Figueiredo who regarded Leonel Brizola who had returned from exile under the amnesty Law of 1979 as "... a bone we will have to swallow and digest and get rid of at the right time". *New York Times*, 7 July 1983.

There were conflicts over the economic strategy between the *realista* fiscal conservatives like Simonsen and pro-growth developmentalists like Delfim Neto. While the former group supported a generous version of amnesty and maintained frequent contact with the opposition, they were confronted constantly by the others who were opposed to moderation.

The very heterogeneity of the Cabinet led to its gradual decimation. By December 1980, six members of the original Cabinet including Simonsen were gone because of disputes over economic policy. Petronio Portella, the Justice Minister died in office in early January and Social Communications Minister Saíd Farhat was dismissed in December along with the disbanding of the ministry he headed. Notably a majority of the "moderates" disappeared from the Cabinet by the end of the year -- all of which was interpreted by the hardliners as their own triumph in halting the process towards transition. Once Golbery resigned in August 1981, it was widely interpreted as the end of *abertura*.<sup>9</sup> And following Golbery's exit the *Planalto*

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9. Regarded for a long time as the *éminence grise* operating behind the scenes, Golbery was "suddenly hailed even by the Brazilian Communist Party as a longtime defender of liberalisation defeated in a series of showdowns with palace hardliners". *New York Times*, 8 September 1981. See also *Veja*, 19 August 1981, pp.26-27.

group became even more fragmented. Its responsibilities were now divided between João Leitaũ de Abreu and Figueiredo himself. When the latter suffered a cardio-vascular disturbance in September 1981, Leitaũ de Abreu mobilised support for the interim presidency of Vice-President Auréliano Cháves and then took care of the official business himself until Figueiredo returned in November.<sup>10</sup> In short, although Figueiredo's Cabinet was dominated by "Médici men" the *abertura* continued because the cleavages inside the government contributed to force Figueiredo to treat *abertura* more as a genuine formula for political transition than as a "master plan" to re-legitimate the bankrupt regime and seek some new heights of domination.

The disarray within Figueiredo's Cabinet turned the *abertura* into an uncontrollable transition. The prevalent economic situation only worsened it further.<sup>11</sup> The economy

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10. It may be recalled that the outcome was different when a similar situation had arisen in 1969 following President Costa e Silva's illness. The then Vice-President (also a civilian), Pedro Aleixo was prevented from receiving the green and gold presidential sash by the triumvirate of the three military ministers.

11. For an account of Brazil's economic problems see *New York Times*, 24 December 1979. See also Eul-Soo Pang, "Abertura in Brazil: A Road to Chaos?" *Current History*, vol. 80, February 1981, pp. 59-61; and Robert Wesson and David V. Fleischer, eds., *Brazil in Transition* (New York: Praeger Publishes, 1983), pp. 167-74.

that Figueiredo was to manage and salvage at the beginning of 1980 had two dominant characteristics: an extraordinarily complex network of economic interactions and increasing socio-economic inequality -- both in turn made economic management more difficult. The balance of payments problem and a triple-digit inflation seriously undermined the legitimacy of the regime. At the same time, it forced the government to adopt a strategy that would liberalise the economy and check the recessionary trend through stabilisation. A stabilisation policy would hurt the government with a general election slated for 1982 and a liberalisation option would be unacceptable to the international banking community which was providing succour to the bleeding Brazilian economy.

No wonder, the economic 'wizard' Delfim Neto had to follow a zig-zag course in terms of a workable economic strategy.<sup>12</sup> Treating the balance of payments problem as essentially a balance of trade problem, he recommended an aggressive export promotion policy. Before long, he had to set aside this very policy option in favour of stabilisation. Through the year 1980, he adopted an *ad hoc* stabilisation course -- pushed export promotion but cut back

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12. For a profile of Delfim Neto see *New York Times*, Section 3, 17 July 1983.

export subsidies and public investment. He allowed interest rates to go up but sought to pacify the business community. He openly quarrelled with foreign bankers and denounced the inflexibility of the International Monetary Fund (IMF) but sent emissaries to Washington to work out a compromise.<sup>13</sup> He was engaged in serious negotiations with the labour leaders seeking a two year freeze on wage demands. Despite all these efforts, the recession reared its ugly head by the early 1980s.

More than the difficult choice in respect of appropriate economic strategy, the government was faced with a more critical problem of social inequality. Ever since 1960, the share of income of the poorest 50 per cent of the population declined from 17.4 to 13.1 per cent, while the share of 10 per cent of the wealthiest increased from 39.6 to 51 per cent. Income differentials especially in the rural sector became more pronounced. According to one estimate during the same period, 0.8 per cent of the landowners controlled 42.6 per cent of landholdings. Conflicts over the land tenure system became more common and the SNI had to intervene massively to put down peasant

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13. See R. Narayanan and R.L. Chawla, "Limits of Export-led Growth: The Brazilian Experience During 1964-74", *International Studies* (New Delhi), vol.17, no.2 (June 1978), pp.331-45.

revolts. In February 1980, the government admitted that the unemployment problem had become "worrisome" and argued that to control it, a growth rate of seven per cent was imperative. But saddled with a huge balance of payments deficit, the growth rate, it was admitted could not exceed the prevailing level of 5 per cent.<sup>14</sup>

The upshot of all these inexorable economic realities was that labour unrest became more apparent and Figueiredo was faced with a mobilised labour movement intent on regaining the terrain lost to inflation and to government neglect of its interests. In the first nine months of the Figueiredo administration, there were as many as 150 strikes of some importance. In the following year the more powerful dockworkers of Santos and metal workers of São Paulo struck work.<sup>15</sup> Though the federal government intervened and charged the leaders under the national security statute, it only exacerbated disaffection within the ranks of the labour. Notwithstanding these negative developments, the economic

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14. David Denslow Jr. and William Tyler, "Perspectives on Poverty and Income Inequality in Brazil", *World Development* (New York), vol.12, no.10 (1984), pp.1019-28.

15. See Riordan Roett, *Brazil: Politics in a Patrimonial Society* (New York: Praeger Publishers, 1984), pp.151-52 and *New York Times*, 30 April 1980. With the high incidence of labour unrest, Luís Inácio da Silva "Lula" emerged as a national labour leader.

difficulties while contributing to the deterioration of the regime were not decisive in bringing about a change or, at least, in upsetting the political fortunes of Figueiredo.

More disturbing than the economic difficulties that Figueiredo had to meet concerned the terrorist campaign unleashed by his detractors.<sup>16</sup> His initiatives regarding general amnesty, return of political exiles and enquiries into human rights abuses were greatly hurt and turned the course of the transition drastically. The reactions of the hardliners to these initiatives instead of consolidating their interests, further complicated the controlled transition envisaged by Figueiredo and led the opposition to gain new grounds.

The political climate grew tense especially since Figueiredo assumed office following the judgement handed by a judge of the federal court in São Paulo, Márcio José de Moraes holding the government responsible for the death and torture of Herzog in police custody. Thus, according to an observer, "while in practice the problem had been solved with the dismissal of General Mello, the court case went further by defining the legal principle that the

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16. See *New York Times*, 24 August 1980.

government's security officials are liable for the life and health of persons they interrogate. Detentions with violations of human rights had previously depended on a combination of pressure by influential groups and persons, and willingness of government officials to respond to their actions. As a result of the Moraes decision, one of the three constituted powers of the federal system guaranteed in principle that human rights were protected by the law and violators would be punished".<sup>17</sup> Following the judgement, a Congressional commission of enquiry was set up for investigating acts of torture in May 1979. In the meantime, Figueiredo's legislative initiative to introduce a new bill to examine the amnesty issue was supported by the MDB Deputies on 22 August 1979 and was signed on the same day by the President. Under the new law most political prisoners were released through the sentence review process conducted by the *Supremo Tribunal Militar* (STM) and a number of political exiles also returned to Brazil.<sup>18</sup>

These and other related developments did not go unheeded by the *duros*. A wave of terrorism was unleashed

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17. Thomas G. Sanders, "Human Rights and Political Process in Brazil", *American Universities Field Staff Reports*, East Coast South America Series, no.11 (March 1980), p.3.

18. Notably Leonel Brizola and Luís Carlos Prestes, among thousands of other exiles.

and between August 1979 and May 1981, a total of forty-one bombing attacks took place. Targets of violence obviously were left-oriented media, journalists, newspaper offices and printing houses, returning exiles, offices of opposition parties, lawyers and human rights activists. Figueiredo's initial efforts to quell the violence were of no avail. In August 1980 when the headquarters of the *Ordem dos Advogados do Brasil* was bombed, Figueiredo condemned the incident and stated forthrightly that, "four, twenty or a thousand bombs exploding on our heads will not change our policy".<sup>19</sup> Although Figueiredo did not accuse any one particularly, he did appear to have met with concerned people in the military sternly warning them. But the following year on 30 April there was yet another incident of a bomb explosion albeit accidental -- in a car occupied by two agents of the *Divisão de Operações Internas-Centro de Operações de Defesa Interna* (DOI-CODI) of the First Army at the Rio Centro complex outside a theatre where a folk music festival was in progress organised by leftist groups to mark May Day. Few of the hardline military generals criticised the government and attributed the incident to the amnesty law and when pressed for investigation by leaders of the opposition parties, the STM on the other hand voted to end all the

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19. *Latin American Regional Reports: Brazil* (London), 12 September 1980, pp.1-2.

proceedings on the incident. It was evident by then that the generals of the First Army were behind the bombing incident.<sup>20</sup>

The Rio Centro incident caused considerable dissension within the military between the hardliners and the pro-*abertura* forces, as a consequence it embarrassed Figueiredo personally and constrained him further in carrying forward his mandate. With the death of General Milton Tavares de Sousa in June 1981 and replacement of some of the "Médici men" including Coelho Neto the following month, Figueiredo was able to stem the dissension within the military to some extent. Nevertheless, the Rio Centro explosion caused an irreparable loss to Figueiredo's controlled *abertura* because of the exit of Golbery who bowed out in August 1981 in the wake of the incident. For, the departure of Golbery had left the *Planalto* without its most experienced political operator and his absence undoubtedly accelerated the government's loss of control of the Congress.<sup>21</sup>

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20. *New York Times*, 27 June 1981. See also *O Globo* (Rio de Janeiro) 2 May 1981; *Veja* 6 May, 27 May, 3 June, 8 July 1981; *O Estado de São Paulo* 31 May 1981; *Jornal do Brasil* 2 July, 3 July, 4 July, 9 July 1981.

21. See David V. Fleischer, "Constitutional and Electoral Engineering in Brazil: A Double-Edged Sword", *Inter-American Economic Affairs* (Washington), vol.37, no.4, 1984, pp.24-27.

## General Elections of November 1982

The setbacks of 1981 and the opposition's insistence on a quicker pace of liberalisation hurt Figueiredo's public credibility further. Fulfilling the pledge of *abertura* under these circumstances was dependent upon his government's abandonment of the power resources to which it was most accustomed just when it needed to institute unpopular economic measures demanded by the international financial community. It is against this backdrop that the general elections slated for 1982 will have to be examined.

The direct municipal, congressional and gubernatorial elections of November 1982, the most open since 1962, became the next crucial test. Given their role in measuring the government's popularity nationally affecting the regime's ability to rule and, more important, in determining to a large measure, the composition of the electoral college that would choose the next President, the impending elections were by no means a routine event. The very willingness to allow such a broad election and to abide by its results, in a period of economic hardship and after postponement of municipal elections from 1980 to 1982, showed a certain loss of control that Figueiredo suffered in carrying further the "transition from above" to his regime's advantage.

With its loss of face and options narrowing to nothing more than an election in the offing, the best that the *Planalto* could hope was to divide the opposition with party re-organisation and then engage in *casuísmos eleitorais* (tinkering with the election rules) to protect and enhance its own congressional majority.<sup>22</sup> Thus, the election rules introduced through *pacote de novembro* 1981, weakened considerably the opposition parties' chances. For, the *pacote* prohibited ballot coalitions and forced the voters into the so-called *voto vinculado* or tied vote. Further, the *pacote* required that all parties had to field candidates for all posts within the state in order to present a slate. The minority parties with weak and non-existent structures in many of the four thousand *municípios* were badly hit by these measures. Given these constraints, the small and largely business-based Partido Popular (PP) which the government hoped to use to build a pro-government centre coalition, merged with PMDB. An additional electoral measure introduced a more complicated ballot without party or candidate names, requiring the voters themselves still within the straight ticket, to write in all their candidates

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22. See Wesson and Fleischer, n.11, pp.110-15 for an account of the realignment of parties. For an exhaustive survey of the party system in Congress see David Fleischer, "The Evolution of Political Parties in the Brazilian Congress", Paper presented at State University of New York at Albany, 26-27 October 1986. See also *New York Times*, section IV, 13 January 1980.

(a possible total of six) separately, by name or number. The idea ostensibly behind the ruling was to increase the potential for strong local candidates or patronage-givers to pull in the top of the ticket with them on balance to benefit the official party because of its nearly nation-wide presence in municipal offices and its national patronage. The complicated ballot also required parties to spend considerable time explaining to their adherents on casting a valid party vote. The idea obviously was to confuse the voters and render void as many votes as possible.

Together with the *pacote de novembro*, the Constitutional Amendment No.22 effective from 24 June 1982 set up a system to further over-represent the electorate and enlarged the representation in the Chamber of Deputies of the less-populated and less-developed states in which the official party's strength was fairly entrenched, and at the expense of major states in which opposition gains seemed certain. The objectives of these devices to tinker with electoral processes unquestionably was to save face from a clear electoral repudiation, to safeguard a viable legislative position, and above all, to guarantee the official party's control of the electoral college.<sup>23</sup>

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23. For an exhaustive analysis see Olavo Brasil de Lima Jr., "Continuity and Change: Parties and Elections in Contemporary Brazil", *Study Series* (University Institute of Research, Rio de Janeiro), no.25, 1984.

Although occasional stern warnings of the government against opposition "radicalisation" and implied threats of a possible "impasse" had some intimidating effects on the opposition, the election campaign by Brazilian standards and by all accounts was free and lively. Legally restricted television time was more than adequately compensated by mass public meetings and rallies. The opposition parties also conducted themselves fairly lest they would lose their one-time chance to push further the transition. The governors of all states and one-third of federal senators were to be elected by simple majorities. All federal deputies and state legislators were to be elected by proportional representation.

The outcome of the election however, was ambiguous enough to make neither the government nor the opposition jubilant over their respective victories (see Table). The major trends that the election results highlighted were as follows: with only 41.5 per cent of the total valid party vote, the PDS (ex-ARENA) regained 12 of the 22 elected governors, 15 of the 25 Senators, 235 of the Chamber of Deputies seats and 52.8 per cent of the seats of the electoral college. With 58.5 per cent of the total valid

**TABLE**  
RESULTS OF THE NOVEMBER 1982 ELECTIONS BY PARTY

	PDS	PMDB <sup>a</sup>	PDT	PTB	PT	Total
Governors <sup>b</sup>	13	9	1	0	0	23
Senators <sup>c</sup>	46	21	1	1	0	69 (35) <sup>d</sup>
Federal Deputies	235	200	23	13	8	479 (240) <sup>d</sup>
Electoral College Delegates <sup>e</sup>	78	48	6	0	0	132
Electoral College Composition <sup>f</sup>	359	269	30	14	8	680 (341) <sup>d</sup>
Proportion of Party Vote (%) <sup>g</sup>	41.5	44.0	6.1	4.7	3.7	100.0

<sup>a</sup>The PP entered a fusion with the PMDB in February

<sup>b</sup>The PDS governor of Rondonia was appointed, thus only 12 PDS governors were popularly elected.

<sup>c</sup>Includes the 44 senators elected in 1978. In the new state of Rondonia, the PDS elected all 3 senators.

<sup>d</sup>Figures in parentheses indicate the absolute majority.

<sup>e</sup>Six representing the majority party in each of the 22 state legislatures. As the PDS and PMDB each elected 12 state deputies in the state of Mato Grosso do Sul, this state has no electoral college delegates.

<sup>f</sup>Includes all senators and federal deputies, plus the 132 state delegates.

<sup>g</sup>Excludes blank and void ballots. Percentage calculated for total vote cast for the five parties.

Source: Robert Wesson and David Fleischer, *Brazil in Transition*, p.119.

party vote, the opposition won gubernatorial posts in ten major states of the centre-south region.<sup>24</sup>

The opposition won city council majorities in 19 out of 23 state capitals. (No municipal election was held in the federal capital, Brasília). What is interesting however, is that in the results seen as a national poll, both PDS and PMDB (ex-MDB) maintained very nearly the same distribution of the national vote percentage as their predecessors ARENA and MDB had maintained in the elections of 1978. The three smallest parties -- PDT, PTB and PT -- gathered 11.7 per cent of the vote nationally and Leonel Brizola was returned on the PDT ticket as Governor in Rio de Janeiro. Above all, the number of invalid votes was very few and the abstention rate was the lowest of about 17 per cent over the last twenty years. This high electoral participation obviously reflected a widespread dissatisfaction with the *status quo*.<sup>25</sup>

What is even more obvious is that neither side -- government and opposition -- experienced a crippling setback.

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24. The opposition parties PMDB and PDT won gubernatorial elections in the states of Acre, Amazonas, Espírito Santo, Goiás, Mato Grosso do Sul, Minas Gerais, Pará, Paraná, Rio de Janeiro and São Paulo.

25. Fleischer, n.21.

The PDS controlled two-thirds of *municípios*, over one half of state governments and two-thirds of the Senate in addition to near control of the Chamber of Deputies as against the opposition winning weighty governorships and stronger showing in larger cities and developed regions and drawing support importantly of the middle sectors.

### Political Fall-out of the Elections

Notwithstanding the evenness in respect of gains for both the government and the opposition, the elections clearly marked a pivotal stage in reducing Figueiredo's political space and his ability to control the *abertura* process. Election results made it abundantly clear that neither the extreme right (military hardliners) nor the extreme left of radical persuasions could make any inroads in the political process. On the other hand, the moderates of both sides were rewarded. In the process, the hardliners' apprehension of "dangerous radicalisation" lost its credibility. The opposition received an institutional base and thereby, legitimacy more than before. Previously, the opposition had only one gubernatorial post, that of Chagas Freitas of Rio de Janeiro, who too was largely amenable to Brasilia's political influence. Now, the governorships for the opposition in major states clearly reflected that *casuísmos*

*eleitorais* offered doubtful utility in controlling the electoral outcome.<sup>26</sup>

The success and gains made by the centrist opposition coalition gave further credence to the thesis that neo-Marxist ideology strong in opposition political thought since 1964, was giving way with *abertura* to a more moderate or compromising reformist attitude compatible with representative democracy. According to a number of analysts, the success of PMDB to a large measure was because it explicitly opted for a heterodox coalition that included both the popular classes and elements of the bourgeoisie. In a remarkable major policy statement, PMDB explicitly repudiated the exclusionary view inherent in the traditional Marxist approaches. It said:

For us the concept of democracy implied the possibility of alternation in power; divergency and heterogeneity of interest and activities as good and necessary features, not as evils to exorcise; the idea that the majority should not suppress the minority because no one monopolises truth; participation in decisions that affect our lives; the legitimacy of different interests

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26. See Bolivar Lamounier, "Opening Through Elections: Will the Brazilian Case Become a Paradigm?", *Government and Opposition* (London), vol.19, no.2 (Spring 1984), pp.173-175; Cândido Mendes, "The 1982 Elections in Brazil", *Government and Opposition*, vol.19, no.2, Spring 1984, pp.152-56; Ronald M. Schneider, "The 1982 Brazilian Elections Project, Final Report: Results and Ramifications", Paper presented at Georgetown University, Centre for Strategic and International Studies, Washington, 1982.

and consequently of negotiations; and civility in political discourse; without which democratic politics cannot exist.<sup>27</sup>

This change turned the centre of attention away from polarisation within the PMDB and, to some extent, belied the government's expectations of fragmenting the opposition ranks ideologically. Instead, the election encouraged political truce, national conciliation, consensus, social pact and closed the gap at least among the opposition forces. Open commitment to "alternation" by the PMDB in its electoral campaign won it the sympathy if not support from marginal PDS voters too.

The campaign itself with intensive press coverage brought to surface a lively debate on pressing national issues such as unemployment, inflation, personal security and corruption and spread political education and awareness. Political violence was eschewed and even abhorred. The low level of abstention and few void votes showed a keen desire on the part of the electorate to push further the *abertura* process.<sup>28</sup>

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27. *Revista do PMDB*, vol. 1, no. 1, July 1981, pp. 7-8.

28. J.R. Dassin, "The Brazilian Press and the Politics of Abertura", *Journal of Inter-American Studies and World Affairs* (Miami), vol.26, no.3, 1984, pp.385-414.

Election results lent support to the opposition strategy of forcing continually broader negotiations by showing the government that it could not govern. More importantly, it also pointed that government could not control the succession by itself. The stage was thus set for coalition politics, broader institutional reforms and a civilian candidate for President. The election brought to the forefront some of the political heavyweights such as Brizola, the PDT Governor of Rio de Janeiro and *presidenciável* (presidential aspirant) in case of direct elections; Tancredo Neves, PMDB Governor of Minas Gerais and yet another presidential hopeful; Paulo Salim Maluf, São Paulo federal Deputy and a leading presidential aspirant of the PDS. In addition, Roberto Campos, PDS federal Senator from Mato Grosso; Fernando Henrique Cardoso, PMDB federal Senator of São Paulo; Marco Maciel, PDS federal Senator from Pernambuco and a possible vice-presidential candidate; Antonio Carlos Magalhães, PDS Governor of Bahia and André Franco Montoro, PMDB Governor of São Paulo were the other stalwarts who emerged on the national political scene.

Although the election returned the PDS in large numbers at all levels, it also sadly reflected the government's failure. Figueiredo himself who had personally campaigned massively was surprised by the opposition victories. At

first he took the loss as an affront. There were some quixotic plans in the air by a few disgruntled retired generals in Rio to try and prevent Brizola from taking the oath of office. However, when the gubernatorial inaugurations took place on 15 March 1983 all over the country, there was no untoward incident. According to press reports, the military "used the occasion to stay in the barracks to stress its disengagement".<sup>29</sup>

With a view to recoup its losses, the government came to the realisation of building credibility through an imaginative spirit of conciliation and accommodation, although it did not mean any significant policy shifts. However, obviously the state of belligerency by now had yielded place to a "truce" with the opposition clearly underlining the need for negotiations. Inevitably Figueiredo's pronouncements became less authoritarian but personally he found it difficult to change his political style. Thus, Figueiredo's administration was slipping into what came to be known at that time as *desgoverno*.

Less fortuitous was the time since the election when Figueiredo was faced with other overwhelming problems such

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29. *O Globo* (Rio de Janeiro), 16 March 1983.

as floods in the south, continuing drought and famine in *nordeste*, serious economic recession and rising unemployment, an inflation of 200 per cent a year and a foreign debt mounting to \$ 90 billion with \$ 3 billion arrears as interest by the end of 1983. Considering the severity of the economic situation, the public was more passive than reactive except for anomic outbursts of looting and arson by the mobs and a high incidence of street crime.<sup>30</sup>

The Figueiredo government naturally, became increasingly unpopular and the President's personal stature which peaked in 1979, now plummeted. His initial reputation as a champion of liberalisation wore thin and public evaluation related him more than his government to the *desgoverno* immobilising him further in taking political initiatives. Fear of political disturbances caused him to postpone hard solutions to the critical problems confronting the economy. Cutting wages and salaries while unemployment was already high after more than three years of recession certainly was challenging to Figueiredo's government, the credibility of which by now had eroded inexorably. Consequently, ambitious economic targets were consistently

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30. Denslow and Tyler n.14.

missed. The upshot of all these was that Figueiredo's government was incapacitated to develop policies for smooth political evolution. Instead it resorted to *saiidas* (quick fixes). In any event, the *abertura* of controlled liberalisation with an eye on seeking legitimacy and re-assertion lost its bearing and it was only in time that Figueiredo would lose also his control over the presidential *sucessãõ* leading to his own exit.

**CHAPTER IV**

**TRANSITION THROUGH TRANSACTION**

## TRANSITION THROUGH TRANSACTION

The outcome of the November elections however disheartening to Figueiredo apparently placed his government in a comfortable position in respect of the succession issue. With a government majority in the electoral college more or less ensured, the chances of an opposition victory seemed remote during 1983. Yet expanding assertion of the opposition influence in the Congress and outside was one of the significant political developments of 1983 and a major fact of 1984. The subservience of the government and PDS to the Congress soon culminated in an inglorious descent into political defeat by the end of 1984. The military which comforted itself by saying *ganhou mas não levou* (the winner didn't get the prize) soon had to admit that while it had won the battle it seemed to have lost the war. By November, its support in the electoral college dwindled considerably as also its credibility in the eyes of the public.

What went wrong with Figueiredo's commitment to usher "order with democracy" -- a mandate with which he began his administration? Did the opposition "turn the tables" on the military? Or, was the carefully nurtured PDS itself responsible for his predicament? Although Figueiredo's leadership had "descended" from the lofty heights to which

it had been elevated by the institutional acts of the past years, the descent had stopped well above the Congress till then. The provision of *decurso de prazo*, whereby a bill submitted by the executive became law if Congress did not vote on it during a sixty day period, had relegated the legislative body to a mere formalistic legitimiser, but not any more. The fractured executive authority of Figueiredo now was faced with a certain breakdown "emptying" thereby the very political system that the military had carefully evolved over the last eighteen years. An understanding of the transitional process which calls for an analysis of the political dynamics witnessed in Brazil since 1983 both within and outside the Congress is the major focus of the present chapter.

#### **Ascendancy of the Congress**

Irrespective of the party affiliations, more than one half of the total strength of Congress comprised of new members--29 new Senators and 265 Deputies. With the commencement of the new session, Congress began its business with new members who had widely accepted legitimacy. At the same time, they had to deal with a technocratic administration which now more than before stood discredited in the eyes of the public imperatively needing legislative support to justify its measures. The mood of the new

Congress was not to let go of the opportunity to assert its will. The *decurso de prazo* procedure was no more acceptable to the Congress. Inter-party consensus favouring the re-establishment of Congressional powers of legislation, deliberation and representation was gaining ground.

Early in January 1983, Figueiredo himself fell a victim to the Congress in his mishandling of a corruption scandal that involved his heir apparent, Octávio de Medeiros, the chief of the SNI. The incident involved misuse of government funds and the alleged assassination of a journalist. Instead of refurbishing his image by eliminating "tainted", unpopular and inept ministers from his Cabinet and deciding in favour of his Vice-President Auréliano Chaves as his successor, Figueiredo carried on the "star wars" which ultimately caused serious dissension within the ranks of the PDS.<sup>1</sup> By the middle of the year, the disintegration of the PDS surfaced openly when during the São Paulo convention of the party in June, Maluf

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1. See David Fleischer, "The Evolution of Political Parties in the Brazilian Congress", Paper presented at State University of New York at Albany (October 1986), P.21. It is interesting to note that Figueiredo apparently favoured the candidacy of Mário Andrezza, a retired colonel and Minister of Interior; Geisel favoured Auréliano Chaves and Golbery openly favoured Maluf for the post of President. *New York Times*, 19 February, 1984.

defeated Paulo Egidio. It was followed by the July national convention of the party where the dissident *participação* faction won control over one-third of the party's directorate.<sup>2</sup>

The disconcerting events within the party along with the corruption scandals of the executive led to acrimonious debate and ruthless criticism by legislators of both parties--PMDB and PDS. By now, PDS dissidents supporting Maluf openly joined ranks with the opposition in their onslaught against the executive. The PDS split forced the fractured official party to strike a coalition bargain with PTB with several minor incentives like federal appointments which did not include representation in the Cabinet. However, such a coalition would not last long.

The first shot was openly fired by Congress in September pointing to the belligerent mood of the legislators. After undergoing coronary bypass surgery and spending two months convalescing in the United States, Figueiredo returned only to be received with the news that, for the first time in eighteen years, the Congress had struck down an executive decree (No. 2024 on wage and salary

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2. The *participação* faction known also as "border bloc" comprised of Deputies from the Roraima and Amapa territories and the state of Rondonia.

calculations).<sup>3</sup> This action forced the executive to revise its appraisal of Congress and of political support for its economic programmes. Subsequently, the Congress defeated two more attempts of the executive to pass a wage and salary compression package. What was more, the legislature seemed ready to approve its first-ever constitutional amendment (initiated by itself) to the chagrin of the executive.

On larger issues such as national debt, the Congress proposed and pressed for legislative investigation. It was most vocally critical of IMF - sponsored economic measures that the executive branch was developing. Its bargaining power grew as more legislators became conscious of the deleterious impact of the economic policy on the society. Moreover, external creditors including IMF too expressed preference for legislative measures on the much-needed austerity reforms.

The increasing assertion of the Congress turned the tables on the military hardliners or, at least, enabled Figueiredo to discipline the recalcitrant military dissidents. In fact, the exit of General José Luiz Coelho

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3. The law restricted salary increase in the next two years to a level that was twenty per cent below the official cost of living figures.

Netto had muted the voice of the *duros*.<sup>4</sup> Subsequently, Figueiredo could even reprimand General Newton de Oliveira e Cruz, former chief of the SNI and then the current military commander of the Brasília region for his overzealous enforcement of the brief October 1983 state of emergency clamped on the federal capital during the congressional debate on wage and salary compression bills.<sup>5</sup>

Increasingly military personnel especially the moderates, veered around to the view that a controlled disengagement to return to the barracks was the last course of action. Some of them even articulated their opinions on a "trustworthy" civilian successor to Figueiredo although they were divided among themselves over the choice of such a civilian.<sup>6</sup> Military consensus was in favour of a "strong

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4. A three star general, Coelho Netto was superseded three times for promotion by Figueiredo and was eventually forced to retire. *Veja* (Rio de Janeiro), 25 August 1982.
5. *New York Times*, section I, 21 October 1983. The emergency measures included suspension of right to public association for sixty days, censorship of mail, broadcast and print media as well as authorisation to the police to search homes and detention of suspects without warrants. Ironically enough, a spokesman of *Planalto* announcing the details of the emergency measures stated that they were necessary "to assure the free exercise of legislative powers"(!).
6. Admiral Fonseca was dismissed after suggesting that demonstrations in favour of direct elections should be tolerated. *New York Times*, 2 April, 1984.

democracy" in which the institution of the state could defend itself as against a "liberal democracy" of competitive politics--an anathema to the armed forces. The SNI's activities of intelligence gathering and clandestine running of a parallel government came to be questioned by the military establishment itself.<sup>7</sup>

Above all, Figueiredo's own handling of the PDS clearly led to further disaffection within the official party and made him lose control over *abertura*. During his trip to Africa in November 1983 Figueiredo's public statement to the effect that he personally would favour direct elections in 1984, and that he was "impeded by the PDS" in this effort further demoralised and prepared the ground for a split within the party leading to the formalisation of the Democratic Alliance in the following year.<sup>8</sup> From then on Figueiredo could no more play the "game" according to his own established rule of "picking up the ball" in the event that "the opposition goes beyond established limits".

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7. For a detailed study of the SNI see Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988) pp. 13-29

8. Fleischer, n. 1, p.23. See also Thomas C. Bruneau, "Consolidating Civilian Brazil", *Third World Quarterly* (London), vol.7, no.4, October 1985, pp.978-9

As Congress slowly gained more power through a phase of negotiations between the official and opposition parties and onto more open and autonomous patterns of alignments--these developments raised serious doubts about the government's ability to govern without resorting to measures bordering on intimidation. The accentuation of divisions within the administration, the dissident military generals becoming even more vocal, and above all, the economic problems looming large--all underlined the vulnerability of *abertura* and put a seal on the process of "transition from above".

### *"Diretas já"*

The events of 1984 overtook and overturned the *abertura* process. The fast breaking politics of the presidential *sucessão* brought "transition from the top" to a grinding halt. Figueiredo's apparent willingness to hold direct election triggered off a massive public campaign in favour of *diretas já* : *para mudar* (direct elections now !: for change) by the opposition which mobilised millions of Brazilians.<sup>9</sup>

In this effort of mobilisation the initiative and the role of the Church was considerable. Long before the

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9. See *New York Times*, 19 February 1984.

question of direct elections was debated by the different parties, the Church organisations through their own media had been campaigning in favour of such an election. In August 1981, the Permanent Council of the National Conference of Brazilian Bishops (CNBB), commenting on the current political events in Brazil issued an important document entitled *Reflexões Cristãs sobre a conjuntura política* (Christian Reflections on the Political Situation). In this document, the CNBB exhorted to the people on the need for participatory form of government and underlined that "an apolitical posture signifies, in practice, a political attitude of tacit acceptance of the configuration of powers". It is this apathy the document argued that "has brought us to a situation where we are among the countries with the highest rates of inequality between the rich and the poor"<sup>10</sup>. It further stated its willingness to spread

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10. See Thomas C. Bruneau, "Church and Politics in Brazil: The Genesis of Change", *Journal of Latin American Studies* (Cambridge) vol .17, part 2 (November 1985), pp. 271-93. See also *New York Times*, Section VI, 6 December 1981. For a comprehensive analysis of the role of the Catholic Church in the political transition see Scott Mainwaring, "Catholic Church, Popular Education and Political Change in Brazil", *Journal of Inter-American Studies and World Affairs* (Miami), vol.26 , No.1, (February 1984), pp. 97-124 and Thomas Sanders, "The Catholic Church in Brazil's Political Transition", *American Universities Field Staff Reports*, East Coast South America Series (New York), no. 48 (August 1980), pp. 1-16.

political awareness among the masses through its grassroots organisations, the *comunidades eclesias de base* (ecclesiastical base communities, ceps). In this mass campaign against the regime, the most critical and vocal clergymen were Cardinal Arns of São Paulo, Reverend Dom Helder Camara of Recife-Olinda and Father Leonardo Boff, the well-known Brazilian liberation-theologist.<sup>11</sup>

Subsequently too, the Church while observing "the population's repudiation of the validity of the Electoral College which is neither legitimate nor representative of the Brazilian people", endorsed the "enormous popular movement" in favour of *diretas já*.<sup>12</sup>

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11. The steadily increasing vocal criticism of the Church did not go unnoticed by the military regime. In a speech delivered by General Golbery at the ESG in 1980, he stated that "the *verdadeiros agentes* (the real agents)... more than the one party of the opposition ... the religious and para-religious organisations have assumed an outstanding almost hegemonic position". Quoted in Rowan Ireland, "The Brazilian Catholic Church and Political-Economic Change", *World Review* (Queensland, Australia), vol22, no. 3 (August 1983), p.72. Earlier according to a press account, an intelligence report of 1979 had identified the clergy as "the most active of the enemies attacking national security, promoting through the most subversive means, the substitution of the Brazilian politico-socio-economic structure by a new order, similar in every respect to the Marxist Philosophy". *Veja*, 11 April 1979.

12. *New York Times*, 19 February 1984.

Meanwhile, in the Congress, Dante de Oliveira introduced an amendment bill calling for direct elections for the post of President immediately. Figueiredo's response to it was perhaps his last ditch attempt to salvage *abertura*. He hastily introduced a massive constitutional reform bill ten days before the voting on Oliveira's amendment legislation.<sup>13</sup> Figueiredo's strategy obviously was to defeat the Oliveira amendment bill because the PDS majority in the electoral college following the 1982 elections offered possibilities of retaining some control over the presidential succession. Efforts were made to mobilise all the muscle power available to the government to squash the Oliveira move. Figueiredo placed Brasília and the surrounding region under emergency military rule and suppressed television and radio coverage of political events. Severe economic pressures such as with-holding funding for local projects were applied to bring wavering

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13. The constitutional reform bill tabled by the government included among other things, a four year term for the President with reduced executive powers, direct election of mayors of state capitals coinciding with the gubernatorial elections in 1986 and direct elections for President in 1988. In a justification of these constitutional measures in a telecast, Figueiredo stated, "Conciliation and compromise can be worked out through understanding and negotiation between political parties" *Latin America: Daily Report*, (Foreign Broadcast Information Service : Washington D.C.) , 17 April 1984.

PDS deputies who were likely to vote in favour of the proposed amendment.

These strong-arm tactics brought the desired results. On 25 April 1984 when the Oliveira amendment was put to vote, it fell short by 22 votes of the required two-thirds majority in the Chamber of Deputies.<sup>14</sup> The event was a pyrrhic victory for Figueiredo. For, his own constitutional amendment package suffered a similar fate two months later.<sup>15</sup>

It was in the aftermath of the legislative battle that fissiparous tendencies within the PDS began to surface openly. Senator Márcio Maciel and Vice-President Chaves together with ex-PDS president José Sarney formed the crucial Liberal Front caucus as a dissident bloc of the PDS. Eventually, the caucus was organised into what came to be known as the Liberal Front Party, PFL). Formalised in August as the Democratic Alliance, the Front served as a vital

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14. During the debate on the amendment, the General Assembly of the CNBB by a 218 to 25 vote, despatched a telegram to Congress supporting the proposal for direct elections.

15. Because of "bad faith" drafting, a legal technicality in the drafting of the government's bill, a simple majority item vote would have approved direct elections in 1984. When the opposition and the PDS supporters of the Oliveira amendment moved to take advantage of this loophole, the government was forced to withdraw its entire package. For details see Fleischer, n. 1.

overarching bridge between PDS and PMDB facilitating a broader national movement. In the meantime, most of the opposition started to coalesce around Tancredo Neves, Governor of Minas Gerais and the founder of the shortlived *Partido Popular* (PP). For, Neves by then enjoyed the reputation of a senior statesmen by virtue of his long public career as well as for moderation and competence. An astute politician, Neves quickly moved to iron out what came to be known as "pacto mineiros", whereby he neutralised Chaves by agreeing that whoever got his respective party's nomination would get the total support of the other in the prestigious state of Minas Gerais. Neves also reached an understanding with PMDB President Ulysses Guimarães that if the 'Diretas já' amendment was passed Neves would support the latter within PMDB. However, in case of its defeat, Guimarães would support Neves.<sup>16</sup>

The PDS on the contrary was rent by governmental indecision and went through a trauma in respect of accepting a leader. Figueiredo resigned himself to the background in not pressing for his candidate. It was suggested that Figueiredo did remain "aloof" because he desired a

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16. Ibid, See also Eul-Soo Pang and Laura Jarnagin, "A Requiem for Authoritarianism in Brazil", *Current History* (Philadelphia), vol.84 (February 1985), pp. 62-63

"democratic" decision in the choice of a leader and it boomeranged on him in the ultimate analysis to let a Maluf whom he personally detested over other possibly 'better' candidates such as Cháves and Andreazza. To some extent, PDS members of the Liberal Front still voting in the PDS national nomination convention cast their ballots in favour of the less nationally popular Maluf who could be easier to defeat than Andreazza in the electoral college.<sup>17</sup>

With that the battle lines were drawn and the adversaries were identified. The contest was between the PMDB-Democratic Alliance candidate Tancredo Neves and the truncated PDS party nominee Paulo Maluf. The brash and "un-Brazilian-like" Maluf was no match to the "Great Conciliator" Neves. Maluf's heavy-handed tactics of appealing directly to the delegates of the electoral college and the indiscriminate and generous use of government resources to support him antagonised many delegates.<sup>18</sup>

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17. See *Veja*, 16 January 1985, pp.20-55.

18. Maluf's manner of campaigning directly to the delegates without going through the proper party hierarchy at the national, regional and state levels greatly hurt the chances of PDS in the coming election. In fact, the PDS mainstay was in the *nordeste* and because of the growing resentment against Maluf for his high-handedness he could not get the support of none but one, the Governor of Paraíba. In contrast, Neves cleverly improved upon the *diretas já* slogan converting it to *Tancredo já: Para Mudar* during his campaign.

More and more electoral college members aligned themselves with Neves. Sensing the upsurge of support in his favour, Neves acted swiftly and used discreetly a few mass rallies in which he stated publicly his acceptance of the electoral college in lieu of direct elections which won him over to the moderate military leadership too. He emphasised on national unity, a "social pact" for a transitional government to establish democratic institutions whereas his adversary was harping on PDS unity and contested on the basis of the military regime's Organic Party Law that PDS members should vote on party lines in the electoral college. But before long, the *coup de grace* was delivered to Maluf by the Superior Electoral Tribunal (TSE) in November in a ruling stating that the fidelity law applied to legislative proceedings and not to the electoral college.<sup>19</sup> With that salvo, the die was cast on Maluf's defeat. By now, in addition to the hard-core *malufistas* in the electoral college, PTB had pledged fourteen electoral votes to Maluf on instructions from Minister Delfim Neto. But days before the election on 15 January 1985, Neto had changed his mind and Maluf was assured of only three PTB votes. Meanwhile, although Brizola's PDT had not formally joined the Democratic Alliance, it remained firmly committed

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19. Fleischer, n. 1, p.24.

to Neves. The PT for its part too remained independent from the Alliance and firmly maintained its principled opposition to any form of indirect election. But it did not mean that its members could not cast their votes in favour of Neves.

On 15 January 1985, the Electoral College met to choose Tancredo da Almeida Neves and José Sarney as the President and Vice-President respectively for a six year term with 70 per cent of the electoral votes. The break-up of the Electoral College balloting is illustrated in the following two tables, one by party and the other by state and region.

Maluf would have received fifty-five more votes if it was not for as many of the delegates who did not belong to the Liberal Front Party (PFL) who had chosen to gravitate to the latter. Also, as was expected much of Maluf's support in the north and *nordeste* regions dwindled as the date of the election approached.

To Figueiredo the election was a Greek tragedy and so he had to accept the outcome as the logical consummation of the tortuous process of the *abertura*. To this effect, he had hinted just five weeks before the presidential election. In what is described as his very last address as the Commander-in-Chief to the military, he stated: "The

TABLE 1: Electoral College Vote, 15 January 1985, by Party

PARTY	Paulo Maluf	Tancredo Neves	Abstain	Not Present	TOTAL
<u>CHAMBER</u>					
PDS	125	39	07	01	172
PFL	00	63	00	00	63
PMDB	02	196	01	01	200
PDT	01	20	01	01	23
PTB	03	10	00	00	13
PT	00	03	00	05	08
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TOTAL	131	331	09	08	479
<u>SENATE</u>					
PDS	26	05	00	01	32
PFL	00	10	00	00	10
PMDB	00	24	01	00	25
PDT	00	01	00	00	01
PTB	00	01	00	00	01
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TOTAL	26	41	01	01	69
<u>DELEGATES</u>					
PDS	23	11	07	00	41
PFL	00	40	00	00	40
PMDB	00	51	00	00	51
PDT	00	06	00	00	06
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TOTAL	23	108	07	00	138
<b>TOTAL</b>	<b>180</b>	<b>480</b>	<b>17</b>	<b>09</b>	<b>686</b>

Source: *O Estado de São Paulo*, 16 January 1985, pp.22-23.

TABLE 2 - Electoral College Vote, 15 January 1985  
by State and Region

State/Region	Maluf	Tancredo Neves	Abstain	Not Present	TOTAL
Acré	06	11	00	00	17
Rondônia	06	11	00	00	17
Roraimá	01	03	00	00	04
Amapá	03	01	00	00	04
Amazonas	04	13	00	00	17
Pará	10	14	00	00	24
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<u>NORTE</u>	30	53	00	00	83
Maranhão	10	16	00	00	26
Piauí	04	14	00	00	18
Ceara	14	17	00	00	31
R.G. Norte	06	11	00	00	17
Paraíba	09	11	01	00	21
Pernambuco	05	28	00	02	35
Alagoas	03	14	00	00	17
Sergipe	07	09	01	00	17
Bahia	13	35	00	00	48
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<u>NORDESTE</u>	71	155	02	02	230
E. Santo	04	14	00	00	18
Rio de Janeiro	09	42	02	02	55
Minas Gerais	05	57	00	01	63
São Paulo	15	50	00	04	69
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<u>SUDESTE</u>	33	163	02	07	205
Paraná	06	37	00	00	43
S. Catarina	09	12	04	00	25
R.G. do Sul	11	22	08	00	41
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<u>SUL</u>	26	71	12	00	109
Goías	04	21	00	00	25
Mato Grosso	11	06	00	00	17
Mato Grosso do Sul	05	11	01	00	17
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<u>CENTRO-OESTE</u>	20	38	01	00	59
<b>B R A S I L</b>	<b>180</b>	<b>480</b>	<b>17</b>	<b>09</b>	<b>686</b>

Source: *Jornal do Brasil*, 16 January 1985, p.1.

redemocratization process which we have envisioned for the country is not only a transfer of power but a transfer of responsibilities". He went further and redefined to his fellow officers the role of the military in a Brazil that was in the making. Figueiredo stated that with the advent of the civilian government the armed forces will be "at the service of only a well-defined portion of security, namely national defense". He further added that for internal threats to socio-political stability "there is no military solution". Concluding his remarks Figueiredo said that the solution is "upto the nation".<sup>20</sup>

#### **Advent of Civilian Democracy**

As Brazilians prepared to usher in a civilian government almost after two long decades, the national euphoria surpassed the annual pre-lenten *carnaval* mood of February. Although the emergence of Tancredo Neves as the leader chosen for the highest office was the result of a typical Brazilian process of compromise, the fact that the distinction was conferred on a civilian was what turned the masses to jubilation. Despite the apparent smoothness of the change-over, it was by no means certain until early 1985

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20. *Latin America: Daily Report*, Federal Broadcasting Information Service, 13 December 1984, pp. D 1-2.

that the outgoing military regime would fail in its plans to handover the presidency to a member of the PDS. Faced with growing evidence that the coalition put together by Tancredo Neves included not only the major opposition parties -- PMDB, PFL and PTB -- but also some members of the PDS, it seemed quite possible that some desperate attempt might be made to allow the ruling Figueiredo administration to stay in power. Between the party congresses which slated their presidential candidates and the January electoral college vote, there had been rumours of plans by disgruntled elements within the different parties of a possible coup with a view to maintain the military in power for several more years. However, Tancredo Neves had made his own unwritten alliances and candidly sounded out the military, most importantly the former President Geisel and Vice-President Chaves. He also had given assurances discreetly to the military that no action would be taken by his government by way of retribution in contrast to what had happened in Argentina.<sup>21</sup>

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21. The military high command seemed to have been equally inclined in favour of Neves' candidacy. With a view to ensure Neves' success in the election, the high command had taken a decision to remove "one of the most conservative and reactionary generals...Newton de Oliveira e Cruz...from the key post ... of *Planalto Command*" and shunted him to the position of deputy director of the Army personnel department a week before the presidential election. See Pang and Jarnagin, n.16, p.88.

Days before the presidential election, according to press reports, Neves had met with the Army Minister Walter Pires and assured him that "there would not be an Argentine-style retribution (*revanchismo*) against the generals" and requested him "to stay on in his Cabinet, in the event" that Neves "won the election". Again in what is described as a "pre-inauguration speech" in Vitória, Espírito Santo, Neves had "unveiled" his plans for a "new republic", designed to strengthen legislative powers, respect local and regional authorities and scale down the "all-powerful" federal presidency". Referring to the military, he described it as an "indissoluble" pillar of the Republic and compared Figueiredo to Emperor Dom Pedro II.<sup>22</sup>

With an eye to evolve a broad social representation in what came to be called the *Nova República*, Neves following the election selected fourteen members of the Congress as Cabinet ministers and balanced all twenty-one of his civilian appointments along regional and party lines. The idea was to give appropriate weight to each of many groupings -- the politically strategic northeast with its disproportionately large bloc of votes, the economically powerful state of São Paulo with its large commercial strength and his own home state of Minas Gerais. There were

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22. Ibid., pp. 88-89

also representatives from the south and the far north. It was a sort of a Cabinet which any President of Brazil attempting to reconcile the vast range of interest groups would have to put together. The membership of such a Cabinet, however, had the advantage of being very disparate and could only be united by Tancredo Neves himself.

Despite all the careful preparations which went into the making of his presidency it was not to be that Tancredo Neves would wear the presidential sash. Days before the inaugural, Neves was hospitalised and it was the Vice-President José Sarney on whom the mantle fell. The absence of the "Great Conciliator" at the helm of the nation's affairs during those crucial days aroused justifiable anxieties across the country. However, José Sarney as acting President carried himself quite competently and held together the diverse elements of the fragile Democratic Alliance. In this difficult task he had the full support of all six ministers from the Figueiredo Cabinet as well as those civilian Cabinet members personally and politically closest to the stricken President-elect. The moderate-centrist politician José Sarney however, was handicapped because he lacked the range of relationships and reputation that Neves had had. On the contrary with an undistinguished political record of having defected from PDS and not fully

accepted as yet by the PMDB, Sarney's immediate problem was the lack of any dependable political base. During the initial days of the *Nova república* Sarney's government had to function as an "informal semi-parliamentary system" with Senator Fernando Henrique Cardoso and Deputy Ulysses Guimarães as co-prime ministers. The Congress assumed a role beyond what Neves would have envisaged.

Following the untimely demise of Neves on 21 April 1985, Sarney assumed full powers as President and he moved swiftly to dismantle "the old order" of the military regime. His very first initiative was a proposal for direct presidential elections requiring an absolute majority. Within three days the Congress passed the bill. With a view to conform the political structure to the socio-economic changes the country had undergone during the last twenty-one years, Sarney attempted re-profiling the priorities of his government's business. Many of the harsh and repressive legislations of the military regime including the *sub-legenda*, Organic Party Law and *Lei Falcão* regulations were forthwith abolished. Procedures relating to organising new parties were simplified. The long out-lawed Communist Party of Brazil (PCB) was legalised. Media censorship was withdrawn. The electoral system was partially redesigned to eliminate distortions of representation introduced by the military essentially to benefit the official parties.

These initial successes notwithstanding, Sarney had to face tensions both within the Democratic Alliance and his Cabinet. Conflicts arose on presidential succession and tenure between those elements of the government supporting the "accidental" President and those following the lead of PMDB national president Ulysses Guimarães. Subsequently, with the date of the next presidential election set by the Congress to November 1989, the tension on this issue was temporarily defused. Nowhere were tensions greater than in matters relating to evolving an acceptable economic policy of the new government. A surge of labour demands in the first months of the new government created serious public disagreement within the Cabinet between those who favoured salary negotiations and mediations in a democratic spirit against those who desired the enforcement of stringent anti-strike legislations of the military regime. Again, in matters relating to finance, disagreements surfaced between left-oriented developmentalist groups against the orthodox monetarists. The former emphasising on the need to develop projects that would help underprivileged regions argued for increased public expenditure. On the other hand, the monetarists insisted that the government come to grips with high-level inflation and a mounting external debt problem. Caught between these two opposing tendencies which often led the government to speak with two voices because both these

groups were equally matched, President Sarney could do no more than re-shuffle his Cabinet periodically.<sup>23</sup>

Beginning from 1986 however, the Congress was converted to function as the constituent assembly to draft a new civilian Constitution and debated on substantive issues, the resolution of which would provide the solid foundations for the *Nova República*. These issues related to the much-needed land reforms, the establishment or otherwise of public enterprises, role of foreign investment and, above all, civil-military relations. According to newspaper reports, after nineteen months of stormy deliberation the draft of the Constitution has been finalised. This will be the sixth Constitution since Brazil gained independence. Important provisions enshrined in the draft Constitution are: total ban on media censorship, elimination of the national

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23. There are a number of articles and analyses on the diverse problems encountered by the new republic most of which are based on eyewitness accounts of journalists and Brazil-watchers. Since the focus of the dissertation is on the liberalisation process of the previous military government, a sketchy account of the present administration has been attempted on the basis of the writings of Thomas C. Bruneau, "Consolidating Civilian Brazil", *Third World Quarterly* (London), vol. 7, no. 4 (October 1985), pp. 973-87; Riordan Roett and Scott D. Tollefson, "The Transition to Democracy in Brazil", *Current History*, vol. 85 (January 1986), pp. 21-24 and Eul-Soo Pang "The Darker Side of Brazil's Democracy", *Current History*, vol. 87 (January 1988), pp. 21-24 and pp. 40-41

security law, the restoration of the rights of the labour to strike and collective bargaining, control over foreign investment and corporations and the autonomy of the military and its role to guarantee the national sovereignty.

From the point of view of the military, the new Constitution poses no serious threat to it. The fact that some of the vestiges of the erstwhile military regime such as the SNI and the doctrine of national security have been redesigned which while abridging the role of the military to some extent, in no way threaten its autonomy. Just as much, there is less likelihood of a possible confrontation between the military and the civil society for the time being. But given the magnitude of economic problems both in terms of inflation and external debt, the failure to resolve these critical problems is likely to challenge and threaten the vitality and viability of the *Nova República*.

## CONCLUSION

## CONCLUSION

The major focus of the present monograph has been to sketch the significant political events in Brazil as they unfolded since the military under the leadership of Castello Branco came to power in 1964, and delineate, at some length the process of political transition of *abertura* initiated by João Figueiredo since 1979. The present concluding Chapter purports to analyse not only the latitude but, more importantly, the logic of transition from what began as a military authoritarian regime, and which in the final years of Figueiredo was transformed into civilian democratic rule.

It is evident from the foregoing chapters, that the military government since its inception, while observing formal norms of constitutional behaviour, beginning in 1974 initiated and subsequently intensified a slow but gradual liberalisation process. Intermittent challenges notwithstanding, the military government exercised considerable control over the initial transition process of *distensão* and carried it further to an *abertura* as the pace of erosion to its authority increased. In less than two years since 1980, it became more or less obvious that the military had lost control over the transition it had

initiated, culminating in the indirect election of a civilian President Tancredo Neves from the opposition ranks. Although future events alone would determine the durability of the present fledgling civilian democracy headed by José Sarney, the triumph of Tancredo Neves, it can be said, turned the most enduring military authoritarian regime in South America to face its final extinction. Ironic as it may seem, the extinction was to be overseen by Joao Figueiredo himself who had previously headed the secret service apparatus, SNI that was the very core of the authoritarian military regime from the beginning.

Be that as it may, the process of guided transition that the authoritarian regime ushered in obviously surpassed the limits it had hoped to reach. The resurgence of popular mobilisation particularly at the end of the decade of 1970 was unexpected by the regime. By the device of re-organising the party system, the regime hoped to regain lost ground through the creation of a new PDS party acquiescent to its interests and amenable to its overtures. While the party emerged with some strength on the eve of the general elections, before long developed schism within it and even refused to endorse the regime's views on a number of critical issues. Finally, just before the presidential elections, the official party itself was riddled with a

number of problems such as massive defection from within its ranks and open defiance to its organisational hierarchy. During these crucial years, it appears that the government of Figueiredo too had turned a silent spectator to these untoward developments and had even chosen not to involve itself directly in the intra-party feuds or in pressing for its own candidate for the presidential succession. Is it that the military regime by then had reached its limits in respect of its ability to control the transition? Is it, by then, *abertura* had become irreversible and Figueiredo's government had to preside over its own liquidation?

If that be the case, why in the first instance did the military choose to seek a transition from a pronouncedly authoritarian to a more democratic polity? One possible explanation is, as some scholars argue that after all, was not the military from the beginning committed to such a task of rebuilding and redemocratizing the Brazilian polity. Assuming that be its avowed objective, political events especially during the administrations of Costa e Silva and Médici suggest that there obtained an opposite tendency too within the military establishment which pushed it to staying and consolidating itself in power more to rupture than to restore democracy. For, as political events between 1965 and 1967 betray, there were behind the screen conflicts over

the succession issue. Again in 1969, severe conflicts surfaced over the same issue pitting the hardliners against the moderates. This scenario was further reproduced at the time of Geisel's election in 1974.

It could well be argued, as has been suggested by some, that it was the declining internal cohesion within the military establishment that accounted for the regime resorting to a protracted transition process. To this line of argument, it is further added that although the hardliners desired consolidation of the authoritarian regime they nevertheless retained some institutional continuity from the preceding democratic period. For, while the hardliners indulged in indiscriminate repression and rendered the Constitution infructuous and less democratic, they at no point of time chose to abolish it. Each one of the five Presidents who governed, willingly consented to relinquish power after a single term. This regularised succession, a rare phenomenon in authoritarian military regimes anywhere, is shown as an evidence of its democratic behaviour and the military's adherence to the norms of constitutionalism. What is more, the Congress functioned and the military leaders constantly were engaged in "democratic discourse". This line of argument of the constitutionality of the military is however, highly tenuous

because these very hardliners spared no effort, as has been shown in the present monograph, to place roadblocks on the democratic transition initiated since 1974, and more so, during the subsequent years and frustrated in no small measure Figueiredo's *abertura*.

The other major argument put forth to explain the guided transition relates to the issue of the legitimacy of the military regime. The declining electoral fortunes of ARENA since 1974 made apparent the widespread opposition to military authoritarianism. The PDS defeat in major metropolitan areas which had largely been the beneficiaries of the government's largesse again pointed to the loss of legitimacy and credibility of the military regime..

In assessing the loss of legitimacy most writers underline the cumulative economic problems that Brazil experienced in the early 1970s. The "economic miracle" could, no doubt, not be sustained especially since the world oil crisis. An economy which grew at one of the fastest rates in the world with perceptible slowing down of inflation began showing signs of weariness since 1973. Even so, GNP expanded at a rate of 7 per cent annually between 1974 and 1980 by all accounts. During the very years of the "economic miracle", through a judicious admixture of growth-

coercion strategy, the regime had practically liquidated the vestiges of guerilla and popular movements, and had even "domesticated" and disciplined the political parties. In other words, legitimacy was certainly not at a loss and, in any event, the economic debacle was not instrumental to it.

At a time therefore when Geisel assumed the reins of power, the authoritarian military had consolidated itself to a point that legitimacy was not a serious issue. And yet, Geisel launched and directed the political process to a liberalisation course. Why? The answer to this question, as some have argued, is precisely the very political stability that the military had achieved at that point of time. According to them this favourable and propitious context prompted the military to initiate liberalisation for, it was confident that it would do so with minimal risks. That could well be so except it does not explain convincingly why a well conceived and orchestrated gradual transition then lost its bearing and direction in the subsequent years.

Obviously, neither the declining internal cohesion within the military establishment nor the fast-eroding legitimacy are factors that explain by themselves the rationale behind *distensão*. Instead, what is suggested in

this monograph is, *distensão* was ostensibly an effort at consolidating the military regime rather than democratizing it further. In doing so, the regime had to deal with both internal cohesion and external legitimacy. The regime adopted a decompression with a view to marginalising the hardliners on the one hand and thereby achieve greater cohesion within the military establishment, and on the other, constructing a dialogue with the moderate opposition in the political community presumably to avoid possible precipitous erosion of the regime's legitimacy. In other words, the project aimed at two major objectives--one, stem the declining internal cohesion within the military and, the other, enhance its legitimacy with political forces outside the establishment. A delicate balancing of these somewhat contradictory objectives necessarily will have to be protracted.



But that was a project and not the process. Once the project came to be implemented with these objectives in mind, the dynamics of the political situation began distorting the process and distanced the realisation of the original project. At each stage therefore, the military had to modify and revise the project and engage in careful transaction both within the military and outside. If at its maximum the transition was intended to seek relegitimation,

at its minimum it sought to safeguard the autonomy of the military establishment.

Over the years, because of the military's direct involvement in governance, the armed forces had become increasingly politicised and fragmented. Consequently, the distinction between the military as an autonomous institution and the military as government was getting increasingly blurred. It is in this context the high echelons of the military feared that continuing direct control over government would irreparably damage its autonomy. Polarisation within the military especially over the issue of presidential succession confirmed such fears and misgivings. And, polarisation had dangerous implications for the autonomy of the military. For, not only dissensions within but the dissensions themselves could facilitate the civil political forces to reassert their role in the Brazilian polity and eventually pave the way for the abridgment of military autonomy. It was as though the spectre of Goulart haunted the military once again.

The political opening therefore had to be gradual to let neither the hardliners within the military establishment pre-empt and endanger the project nor the opposition to treat it as an evidence of the military losing control or

credibility leading to mass mobilisation against the regime. So Geisel through his *distensão* would emphasise that the real obstacles to "democratic development" were the intransigence of sincere "revolutionaries" meaning the hardliners in the military and the irresponsible opposition on the other. These remarks identified the real sources of Geisel's basic dilemma. The one important concern of Geisel was to prevent the emergence of a relatively independent centre of political power within the military or in the larger political community. Should such a centre of power emerge it was most likely to impinge on the military as an institution and imperil its autonomy.

While the project was impeccable in its logic, the latitude that it offered to Geisel was very limited. The efforts at preventing Frota and Abreu in the succession tussle was to safeguard the project just as *Pacote de Abril* and the political reforms of 1978 were efforts at winning the confidence of the political community. Neither of these measures produced the desired results. While the hardliners were further alienated because of the "head rolling", the opposition became even more suspicious and uncertain as to whether *distensão* would be but another attempt to legitimise the national security state rather than being a harbinger of democratization.

By the time Figueiredo was inaugurated as the new President the balance had clearly tilted in favour of the opposition forces in the larger political community. With his track-record of having been an acknowledged hardliner by virtue of his holding such a sensitive office as chief of SNI, Figueiredo's candidature was acceptable to a larger section of military dissidents. His personal influence over some of the ranking hardliners like General Milton Tavares greatly enhanced his effectiveness in dealing with rightist terrorist campaigns aimed at frustrating the *abertura* process. Although the master strategist General Golbery's departure from the *Planalto* following the dastardly Rio Centro incident was a set-back, the former "cop" Figueiredo proved to be better at outwitting the violent extremists. In that sense, the choice of Figueiredo and his contribution in bringing cohesion to the military establishment are by no means insignificant. From now on, barring a few sporadic incidents of violence and insubordination, order was restored in the barracks.

A more inscrutable problem however emerged eluding Figueiredo's dealings with the larger political community. It was further intensified by such other factors as the failing health of Figueiredo himself, growing apprehension within the military about remaining in power for long and,

above all, the inability of the government to get the economy out of an incipient recession -- all of which unarguably undermined the *abertura*.

Under these fast changing circumstances, some of which were unforeseen, the military perforce had to transact for a lesser bargain. Consolidation of the military authoritarian rule slipping further into a distant horizon, now the revised project aimed at seeking some control over the presidential successor even if he be a civilian but amenable to the military and continue a presidential dictatorship instead of a national security state. It is with this objective in mind, that the Figueiredo administration resorted to yet another party reform through which it was hoped, the opposition forces could be splintered and then engage in *casuismos eleitorais* to protect its congressional and electoral college majority. But the reform backfired. PP's fusion in late 1981 with PMDB restored, to the disappointment of Figueiredo, the two-party system once again. This was further reinforced by the 1982 general elections. In the aftermath of the party reforms, if anything was split, it was the official PDS rent with intractable factionalism eroding further the chances of Figueiredo winning his presidential choice in the election of 1985.

Such that, *abertura's* design for a new configuration of the party system and its effort to maintain the opposition at bay, came to naught. The revised project viz., *abertura* once again lost its track not because of faulty tactics or flawed execution but because of the evolving political dynamics. Some writers argue that with the massive defections within the PDS, Figueiredo instead of standing aloof and uninvolved should have intervened effectively, to stem the rot of factional politics in the PDS. In effect, it was not that he was helpless and let an opportunity slip his grasp. He remained uninvolved precisely for considerations that he should appear overseeing a democratic course under the existing rules in order to stake his claims for the next stage of bottom-bargaining.

With the events outrunning his control, the best that Figueiredo could look for was the election of Tancredo Neves, the founder of PP which he himself promoted as a viable centrist party instead of the other *presidenciáveis* such as Ulysses Guimarães, Auréliano Chaves, Mário Andreazza and Paulo Salim Maluf. None of them at any rate had a national stature nor support in the country as a whole. In contrast, a great conciliator with his apparently sincere commitment to national conciliation and social pact, Neves,

obviously was the best choice for the military which by now had accepted the electoral outcome and was concerned more about its autonomy. With the political events moving inexorably against the original objectives of the project, the major anxiety now was to avoid delegitimation of the military.

Admittedly, the transacted transition could not serve the original objectives of the liberalisation project namely, the consolidation of the national security state. By its very nature, the process that put the project into practice was an open-ended one. To that extent, the original project lost its purpose.

On balance however, the protracted transition was not without its positive benefits to the military. The process no doubt was tortuous however, it is not as though the military could not safeguard and protect its vital interests such as autonomy and legitimation. Some key elements of the military regime including importantly, the national intelligence service and the law of national security are more or less intact in the present civilian regime. The new Constitution recently promulgated makes no reference to the abridgement of the military in terms of its traditional role. It provides for the military to be the guarantor of

national sovereignty which includes external defence and internal order except the Constitution underlines that the military will act at the behest of the appropriate constitutional authority. Above all, the Constitution exempts allocation of funds for the national defence from the control of the Congress and provides for the military to be responsible only to the chief executive. All these suggest that the armed forces retain significant autonomy and power in the political process of Brazil even after the advent of *Nova República*. In the final analysis, unlike its counterparts in the adjacent *cono sur* countries, the military in Brazil has regained its status without becoming a victim of the most dreaded *revanchismo*.

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