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## **BRAZIL BETWEEN FASCISM AND DEMOCRACY: THE GREAT AGREEMENT “WITH THE SUPREME COURT, WITH EVERYTHING” TO THE “BROAD FRONT” TO DEFEAT BOLSONARISM**

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**Abstract:** From a critical Marxist reading, the work analyzes the role of the media and the judiciary in coups d'état and the installation of fascist governments in the post-Fordist period. Focusing on Bolsonaro's government, as a result of the 2016 coup, until the 2022 elections, the objective is to demonstrate that, just like democracy, fascism operates through the logic of capital, being inherent to it, and that its overcoming will be possible only with the overcoming of capitalist sociability.

**Keywords:** Fascism; Democracy; Legal form; Political form; Media

## INTRODUCTION

A political, ecological, economic and social collapse is underway in Brazil, the landmark of which is the 2016 coup against former president Dilma Rousseff, culminating, in 2018, in the election of the current president. With an *anti-establishment* discourse, although he is part of it, Bolsonaro was elected and, since then, he has adopted a markedly fascist far-right policy.

The objective of the work is to demonstrate that the media and the judiciary are essential for coups d'état and the installation of fascist governments in the post-Fordist period. To this end, the focus will be on Bolsonaro's government until the 2022 elections. The Marxist critique of law will be based on the analysis of fascism, in order to demonstrate that, just like democracy, fascism operates through the logic of capital and that its overcoming will only be possible by overcoming capitalist sociability.

## BETWEEN FASCISM AND DEMOCRACY

A common discourse on the left, not only in Brazil but in other regions of the world, is the defense of respect for the law and its institutions as a path to a more just and egalitarian society. Through a moralistic reading, the progressive, center-left or even left-wing camp understands fascism as a consequence of bad rulers who do not make good use of norms and the State.

The common understanding is that both law and the State are neutral spaces in society. From this liberal juspositivist reading, its defenders see the law as a safeguard against fascism, when, in reality, it itself legitimizes exploitation and coups d'état, constituting one of the forms that result in fascism, considering that “[...] the determining force of society is the force of capital, it is the commodity form that unfolds into value form, this continuous nucleus that engenders accumulation [...] that organizes capitalist society” (MASCARO, 2022, p. 111). It is not a matter of mere will, but a “strategy of reproduction of sociability, a strategy of accumulation” (*Ibidem*, p. 112).

Therefore, a critical analysis not only of the law, but also of the State, is essential in order to situate fascism as a problem inherent to capitalism. According to the Marxist reading, “[...] disputes, competitions and weaknesses within capitalism are coalescing, to the point where capitalists and middle classes take positions that generate fascism itself” (*Ibidem*, p. 119). Therefore, it is essential to break the legal illusion that the State and the law can be used by the people, as capitalist social forms are always a function of worker exploitation (*Ibidem*, p. 120).

In this context, the law and the mass media – both ideological state apparatuses – play a fundamental role. The legal form (law) and the state political form (State), as necessary correlates and derivatives of the commodity

form, are inseparable and inherent to capitalist sociability. Especially in post-Fordism, law, its institutions and mechanisms assume prominence, forming the central element for the reproduction of capitalist ideology. The weaknesses that unite around fascism result from a “highly frayed, broken, capitalist society in crisis”<sup>1</sup>, thus supporting the reproduction of capitalist exploitation (Ibidem, 2022, p. 116). From the apprehension that fascism comes from weaknesses, a parallel with the situation that Brazil has faced since the 2016 coup can be drawn.

In his important work ‘`Fascismo`’ (2020), Pashukanis makes a historical reconstruction of the antecedents of fascism’s rise to power in the post-war years. According to the author, “in the orientation of its policy, the fascist State is the same State of big capital” (Ibidem, p. 31) and, even the most liberal bourgeoisie, “is ready to close an agreement with anyone who suits it.”, as long as “he is able to save his sacred property” (Ibidem, p. 45). Entering the scene in the role of this savior, a close bond between the fascists, on the one hand, and big capital and landowners, on the other, is established and fascism suddenly becomes a power.

A relevant point in Pashukanis’s exposition is the mention of the historical period in which, still relatively far from the coup, the fascist organization began to occupy places in State institutions, while the labor movement, demobilized by the betrayal of reformists and the tactics of centrist leaders, goes into decline. Thus, at the time of the fascists’ seizure of power, the revolutionary wave, which was evident in 1920, was already weakened and absent in the autumn of 1922.

The author then asks: “If bourgeois society

1. In ‘`Crise e Golpe`’ (2018, p. 144), Mascaro points out that: “The Brazilian crisis involves law, but it is not just legal. It also goes through the media, but it’s not just the media. It goes through the government, but it’s not just politics. It goes through the accumulation regime and the regulation mode, but it is not just economic. The Brazilian crisis is yet another case of the general crisis in the reproduction of capitalist sociability. It thus involves the exact composition of all these factors, which precisely makes up the structure of such sociability. This is not an exception. Capitalism imposes crisis, which manifests itself in a specific way and with varied arrangements in different societies and historical moments”.

was not threatened by a direct danger, why was a fascist dictatorship still established?” (Ibidem, p. 49).

Many parallels can be drawn with the Brazilian case. It is impossible not to mention the demonstrations of 2013, a period in which there was a great mobilization, at a national level, with the most varied demands, with emphasis on the Movimento Passe Livre, which is gaining strength throughout Brazil. Then the movement weakened and, at the time of the 2016 coup, the revolutionary wave was practically absent. This is why Pashukanis’ question can also be asked in relation to the Brazilian case: if there was no threat of direct danger to bourgeois society, why, even so, was there a coup that culminated, in 2018, with the arrival of Bolsonaro to power?

Pashukanis’ (2020, page: 49) observation regarding Mussolini’s choice is also interesting, highlighting that he was not the person destined for this position and that there were other more sought-after candidates, who “declined this honor” and “fascism became evident, the dictator became evident and took decisive steps to take power”. Bolsonaro was also never the ideal leader for the Brazilian bourgeoisie, but, given the growing support of a large part of the population, notably the elites and the middle class, he became the most viable candidate to occupy the post and, in common discourse, “defeat PTism”. And, similar to the time analyzed by Pashukanis, the reality is that there was no serious opposition that awaited him and was ready to fight him. Today, most of those who openly supported him defend the “great broad front” to “return democracy to the Brazilian people”.

The relevance of media and mass and network information in contemporary social

reproduction is also pointed out by Mascaro (2018), according to which the role once played by the military is, in the present, replaced by the combination of judiciary power and media. The legal coup, supported by State institutions, is based on the legal ideology that, mirroring the capitalist ideology, is widely disseminated through the mass media.

Thus, the press, which, as Pashukanis (2020) points out, played an important role in strengthening fascism, also played a unique role both in the 2016 coup and in Bolsonaro assuming the presidency. Now, horrified by the monster it helped create, the mainstream media begins to oppose the government and tries to create, at all costs, a “third way” for what it considers two opposite and equally dangerous poles: Bolsonarism and Petista campaign. Without success, former president Luís Inácio Lula da Silva goes to the second round with Bolsonaro in the 2022 elections and, on October 30, 2022, the PT candidate won the elections, by a narrow margin of votes.

As Pashukanis (2020, p. 54) observes, the difficulties cannot be considered lethal to the fascist regime. Thus, even though Lula’s election represents progress, it will not result in the overcoming of capitalist sociability. In fact, fascism itself may continue to strengthen, given the attempted coup during the day of the second-round elections, with the carrying out of several operations by the federal police and the federal highway police in an attempt to prevent Lula’s voters from arriving at the polling place<sup>2</sup>.

## CONCLUSION

The interests of the bourgeoisie and the guarantee of accumulation and reproduction of capital are decisive in the path to be chosen between democracy and fascism. The Brazilian case is quite symbolic in relation to the way in which the rupture of democracy and the rise and strengthening of fascism resulted from the stagnation and decay of capitalist development.

The mass media and the judiciary were fundamental to the 2016 coup against former president Dilma Rousseff, resulting in the victory of Bolsonaro and his fascist policies in the 2018 elections. Fascism was the result of the degeneration of capitalist ideology and of bourgeois democracy, and its organization has always been guided by the struggle for power, through all means, including the exception to legality, which were legitimized by a corrupt judiciary and a conniving press, representatives of those who hold power in the country.

This way, it is clear that, to defeat fascism and Bolsonarism, Lula’s victory in these elections will not be enough. Such an institutional victory is important to begin strengthening the working class, but the expansion of rights and guarantees does not have revolutionary potential.

However, as we have seen in the Brazilian case, especially as the 2022 presidential elections unfold, the growth of discontent linked to the economic crisis brings with it the possibility of its defeat. Only with the organization of workers can we envision an emancipatory future towards the horizon of revolution that results in socialist sociability, with the overcoming of law, merchandise and the State.

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2. CAMARGO, Isabela; FALCÃO, Marcelo. PRF fails to comply with TSE order and stops at least 610 buses of voters in blitz; Moraes intimates general director. **G1/TV Globo**, Brasília, 30 Oct. 2022. Available in: <https://g1.globo.com/politica/eleicoes/2022/noticia/2022/10/30/prf-descumpre-ordem-do-tse-e-faz-pelo-menos-514-operacoes-de-fiscalizacao-contrainibus-de-eleitores.ghtml>. Accessed on: 31 Oct. 2022.

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