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**BRAZILIAN  
REDEMOCRATIZATION  
IN THE 1980'S: SOCIAL,  
ECONOMIC AND  
POLITICAL CHANGES IN  
THE GOVERNMENT OF  
JOSÉ SARNEY**

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**Abstract:** The present work has as the general objective to analyze the period of Brazilian redemocratization, after the military dictatorship, and how this influenced the elaboration of a new Brazilian constitution. For that, a time cut was established in the period from 1985 to 1988, specifically because of the political changes that marked the time, such as the transition from the dictatorial system to the democratic system of government. Through the use of qualitative methodology, with the use of theoretical bibliographic review, the research is characterized as an exploratory study and its problem is the following question: how did the period of Brazilian redemocratization generate impacts on national jurisdiction? Furthermore, the article has such specific objectives: (I) to analyze the domestic and international aspects of Brazilian politics and how this structured José Sarney's government; (II) describe the reconstruction of a democratic political scenario; (III) describe popular participation and how valid it was for the elaboration of the 1988 constitution. From this, the guiding hypothesis of the work is: the lower the use of an authoritarian policy, the higher the levels of democracy and the application of fundamental rights. Therefore, the relevance of this research is due to the historical landmark established due to the movement of the time, in addition to contributing to the arrangement of research on the New Republic.

**Keywords:** Constitution, Redemocratization, Fundamental Rights.

## INTRODUCTION

In order to analyze the Brazilian redemocratization, after the period of the military dictatorship, and how this influenced the elaboration of a new Brazilian constitution, this article seeks to answer the following

problem question: how the period of Brazilian redemocratization generated impacts on national jurisdiction?

During the 1960s and 1970s, Latin America was centered on several dictatorial regimes, with Brazil included in this system of government since 1964, through the civil-military coup by João Goulart, and it lasted until 1985 with the rise of José Sarney. (MACHADO, 2013). The transition of these systems to democracy implies greater political opening and the privatization of the economy, contrary to the state control expressed above.

Brazil in the 1980s was in crisis due to external and internal shocks. This way, an analysis of the international scenario of the time is made to justify economic measures adopted by the president-elect, José Sarney. This explanation is necessary in order to identify the characteristics that reformulated the generic conditions to regulate the debt, characterized by the increase in external indebtedness, interest rates and the practice of protectionism by other States.

José Sarney's administration (1985-1990) is marked by the elaboration and implementation of economic plans aimed at reducing inflation and by Brazilian redemocratization, mainly with the promulgation of a new constitution. Furthermore, with the end of the military dictatorship in 1985, there was an increase in the defense of individual freedoms and public issues, due to the resurgence of popular and democratic forces since the end of the Geisel government (CASTRO, 2006).

This way, the population was counting on increased political, economic and social participation with the return of democracy. In addition, President Sarney convenes, through an amendment, a National Constituent Assembly. Through this, there was a renewal of the laws established during the military

period, which led to the election of a new Constituent Assembly to establish basic rights and establish rights for citizens (FAUSTO, 1995).

The promulgation of a new constitution marks the entry of Brazil into a new political scenario. The participation of the population in the elaboration of the main document that governs the country, made it entitled "Citizen Constitution". Indians, women, black people, among other groups, were the target of the constituent's reception through popular amendments. Therefore, this effective participation of the population established positive points present in the constitutional text.

The bibliography selection criterion was based on the use of keywords related to the work and the hypothesis defined is that "the lower the use of an authoritarian policy, the higher the levels of democracy and the application of fundamental rights". The relevance of the present work emphasizes the importance of the promulgation of a new democratic constitution in a country that was leaving the dictatorship.

## **HISTORICAL AND ECONOMIC PERSPECTIVE OF BRAZIL POST MILITARY DICTATORSHIP**

Initially, Brazil in 1980 was in crisis due to conflicts, mostly economic, in the domestic and international scope. In addition to the foreign debt, a consequence of the oil crisis, the country had to deal with the increase in inflation resulting from the military period<sup>1</sup>. Furthermore, the crisis of the international system led to the rebipolarization of the world thanks to the Cold War, the crisis of multilateralism, an old economic order

and protectionism, causing the country to reformulate generic conditions that regulated the debt (BUENO; CERVO, 2015).

Thus, between 1980 and 1985, the III National Development Plan (PND) was put into practice, which aimed at controlling the inflation rate, rebalancing exchange accounts and the balance of payments. However, the Brazilian economy resumed a new cycle of development thanks to the increase in exports, being a positive factor for the recovery of the Brazilian economy.

The transition from Figueiredo's administration to that of Sarney, from which he inherited the foreign debt, had in its renegotiation two points of action: the postponement of maturity periods and the reformulation of mechanisms that regulated the debt. Furthermore, the dialogue between the countries of the Southern Hemisphere<sup>2</sup> it lacked the means to raise the discourse, given the similar financial situation of the countries, with Brazil seeking dialogue with industrialized countries (OLIVEIRA, 2005, p. 204).

However, as mentioned earlier, there was an increase in protectionism, making multilateral discussions with developed countries difficult. Thus, inflation, a characteristic phenomenon of capitalist economies, was one of the biggest concerns at the time, for which economists believed that the solution would be through a recession, as it proved to be an effective instrument for developed countries (FAUSTO, 1995).

In view of the situation of rising inflation, a plan was created to replace the Cruzeiro, a national currency that was devalued, changing it to the Cruzado. As an unorthodox plan of economic stability, the Cruzado Plan of 1986

1. Inflation was derived from the "revenue obtained by exporters in dollars does not go into the exporters' pockets in that currency [...] it is exchanged by the government for national currency. As the government accounts do not present positive balances, that is, revenues did not suspend expenditures, the government can only obtain currency national government to pay exporters by issuing currency or debt securities purchased by banks, companies or individuals" (FAUSTO, 1995, p. 504).

2. Here we understand the dialogue between the powers of South America.

consisted of replacing the currency, abolishing indexation and freezing prices and exchange rates (FAUSTO, 1995, p. 522).

Its effectiveness did not last, as other plans were sought to increase investment thanks to the increase in public debt. Furthermore, despite the economic growth at the beginning of his term, the foreign debt negotiations diminished their relevance due to the lack of continuity and guidelines in the Sarney government's policies (BUENO; CERVO, 2015, p. 470).

Thus, José Sarney's government maintained its national development policies and, with regard to the Brazilian position in the external scenario, there was an increase in claims about developing countries in order to change the international system with regard to the requirement rights and overcoming dependencies.

On the international stage, issues such as the environment, cooperation and democracy, for example, took up space for discussion, including claims from Third World countries. As Brazil was going through a foreign debt, its image abroad was weakened, being one of the consequences for the reduction of North-South dialogue, also characteristic of the protectionism of industrialized countries (OLIVEIRA, 2005, p. 201).

Having diminished the relationship with the countries of the North, Brazil seeks to get involved in bilateral agreements and seeks new markets in Africa, Asia and Latin America. According to Cervo and Bueno (2015), after the effective rapprochement with Africa, Brazil:

It left Japan for China, India, Pakistan, the Association of Southeast Asian countries, exploring new Asian dimensions. He created new modalities of relations with the Near East and North Africa. He preserved cooperation and advanced political dialogue

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3. Author's translation: "Requiem for the American Dream".

with the socialist countries of Europe (p. 458).

This approximation with Third World countries happened more in the political sphere due to the discourse that was propagated about overcoming dependencies. This relationship focused on a closer Brazilian approach to Latin American countries, especially Argentina, with the aim of overcoming political distrust and weaknesses (OLIVEIRA, 2005, p. 220).

Therefore, due to internal and external demands, Brazil, which was socially affected after the military dictatorship, has elections in 1986 to convene a General Assembly to change the political situation. With the focus on dismantling authoritarian mechanisms and rebuilding democratic precepts, the formulation of a new constitution was essential for the conjuncture of the time. In addition, the various attempts at economic approximation that proved to be failures for reasons that go beyond Brazilian efforts.

## **RECONSTRUCTION OF A DEMOCRATIC POLITICAL SCENARIO**

Regarding this democratic transition, Noam Chomsky in his documentary "*Requiem for the American Dream*"<sup>3</sup>, discusses that democracy can be an influencing factor in economic actions, and this exercise is frowned upon by the most privileged sectors of society. In the dictatorial period, there was a strong state presence in the regulation of the economy. With the changes that occurred in the international agenda, the greater insertion of democracy within international dialogues consequently increased popular participation within the States (OLIVEIRA, 2005).

In addition, the economic crisis caused a social impact on the model implemented

in the military government, generating unpopularity for the dictatorial regime. Thus, in the last months of 1983, a campaign for direct elections for president was started in Brazil, entitled “Diretas Já!” (CASTRO, 2006). José Sarney assumes the presidency following the death of the president elected by the Electoral College.

With the end of the military dictatorship in 1985, there was an increase in the defense of individual freedoms and public issues, serving as a source of inspiration for the elaboration of a new constitution that carried fundamental principles for the dignity of the human person. Thus, four months after his inauguration, President Sarney calls for the creation of a new constitutional document in 1985 through an amendment to a National Constituent Assembly.

However, the Brazilian case has a particularity because there was no rupture of an order, but a military withdrawal. The separation of commissions urges minority issues to help in the formulation of a document considered legally advanced for its time. In addition, certain themes were integrated due to the creation of thematic commissions, seeking to adopt the main demands of the Brazilian population. The authors who ratify this participation as being an “encyclopedic’ character of the new constitution is derived from the fear of the return to the will” (CASTRO, 2006, p. 564).

Thus, the entities to which they were devoted to certain causes reflected the pressures of different groups in society, seeking to offer norms that matched their interests (FAUSTO, 1995, p. 524). Indians, women, the elderly, children and adolescents, the landless, environmentalists, among other groups, were welcomed by the constituent through popular amendments. This direct insertion of the population in the elaboration of the constitutional text, translates into one

of the names by which the constitution takes, which is the “citizen constitution”.

The constitutional document is the main mechanism to govern a country. This is responsible for ridding the population of institutional shocks, that is, permanence of legal instability. However, the Brazilian case has a particularity, as there was no rupture of an order, but a military withdrawal, that is, the democratization process did not imply a revolution, but institutional advances that consequently generated greater direct participation of civil society (SEINO; ALGARVE; et al, 2013).

National pressures to eliminate authoritarianism triggered the insertion of themes that, in a way, were not linked to the constitutional nature (FAUSTO, 1995). In addition, these inserted themes made the constitutional text comprehensive, to the point that after its elaboration, laws were debated on these themes, giving space for the creation of specific codes, with significant advances.

Furthermore, one of the new aspects in the discussion of the elaboration of the constitutional text is the insertion of international questions, considering discussions of a capitalist nature. The Cold War was still going on, so there was a view that Brazilians adopted non-capitalist views. Economic issues were not organized due to external debt and inflation, and the drafting of the constitutional text did not establish pillars for solid economic growth.

The insertion of capitalist dialogue was closely linked to the question of property, establishing a social function thanks to more collective ideas. From the moment that discussions on this point are included in the constitutional text, the State is inserted in the regulation of these mechanisms. By adopting democratic mechanisms, it is clear to Brazil that through democratic politics the

country must adopt mechanisms to stabilize the economy.

In conjunction with the debate on international issues, the difficulty in implementing foreign policies is related to the desire for regionalization for the consolidation of economic blocs. Furthermore, Oliveira states that:

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In conjunction with the debate on international issues, the difficulty in implementing foreign policies is related to the desire for regionalization for the consolidation of economic blocs. Furthermore, Oliveira states that:

[...] Coupled with the vulnerability exposed by the external debt and the rupture of the unity that had hitherto been maintained by

the Third World, the consideration of the possible negative effects of the tendency to form economic blocs, interpreted as prone to the expansion of protectionism, will influence the Sarney Administration's foreign policy to focus on two strategies. One of them, the strategy to strengthen the multilateral trading system - the GATT - is characterized by the negotiation process with the United States and, the other, aimed at expanding the role of Latin America, especially in the rapprochement with Argentina (2005, p. 208).

After having said this, the enactment of a written, promulgated, rigid, dogmatic, formal and analytical constitution, which is the 1988 Constitution, was a national milestone towards the end of the last vestiges of authoritarianism. At that time for Brazil there was a structural change in national policy.

## CITIZEN CONSTITUTION

The 1988 Constitution receives the name of "Citizen Constitution" due to direct popular participation, as seen in the reception of the Constituent Assembly of proposals called popular amendments, and by the presence of individual rights which are ensured throughout the text that constitute a hermeneutical parameter. and superior values of any constitutional and legal order (CASTRO, 2006).

It was up to Sarney to formulate a constitution seen as an anti-dictatorial instrument, responsible for guaranteeing rights and protection to the population. Through the structuring, at the political level, of movements in favor of democratization and manifestations of new social actors, it caused a strengthening of the democratic party framework (SEINO; ALGARVE; et al, 2013). That is, the collective action of civil society emphasizes a redefinition of the Brazilian political scenario.

According to Machado (2013), the process called transitional justice, common after authoritarian experiences, is established in four aspects: reparation, truth provision, justice regularization and institutional reform. The structuring of a new constitution, respecting human rights and providing fundamental rights, is enshrined as a right to reparation as it protects various sectors affected by the repression of the dictatorship (MACHADO, 2013).

The structuring of a Constitution must have "the notion of legal limitation of state power, by guaranteeing some fundamental rights and the principle of separation of powers" (SARLET, 2012, 59). In other words, there was a reformulation for the application of formal and material principles which establish normative limits to state power.

Through the struggle for democratic normalization and the conquest of the Democratic Rule of Law, Brazil establishes the phase of the New Republic, which is characterized as a transition phase between the military dictatorship and a democratic and social regime (SILVA, 2005).

The constitution inaugurates social, democratic and economic dimensions established in the constitutional text in a material sense. Titles I and II deal with the fundamental principles, rights and guarantees within the document that establishes the main objectives of the Republic (BAMBIRRA; NETO, 2017). This constitutional spirit is pointed out as something that:

[...] it transcended the properly constitutional issues and regulated in detail and obsessively a wide field of social, economic and public relations, in a kind of *maximizing commitment* (VIEIRA, 2008, p. 446).

This reparation, through the constitution, highlights the promotion of social well-being for a country in which the idea of

fundamental rights passes through an imposition of an authoritarian heritage. Furthermore, this scenario is characterized as a mechanism of social transformation driven by the dialogue between citizenship and civil society (BORTOLI; MACHADO, 2017).

Regarding the idea of citizenship, a new responsibility was being built for establishing an “accentuated participatory character in public affairs, which would allow the reshaping of the sociability of individuals who recognized their duties towards the community” (SEINO; ALGARVE; et al, 2013), p. 40). The direct participation of the population through the claim of rights structured a national idea expressed in the constitution.

Therefore, the Brazilian modernization process is characterized by the effectiveness of democracy through legal instruments through the promulgation of a new constitution that would change the country’s image. Thus, the population’s participation in this determines the political opening and establishes the effective end of an authoritarian regime through the insertion of new principles expressed in the constitutional text.

## **FINAL CONSIDERATIONS**

The constitution is the main document of the country, in which it regulates and organizes its functioning, limiting the power of the State and defining rights and duties to the individuals who are in it.

The document promulgated in 1988 establishes a series of social rights never seen in previous documents, reformulating the Brazilian image. In addition, it has the expressive cry of liberties repressed during the years of the Military Dictatorship, marked by much repression and crises, whether economic or social.

Being criticized for entering into matters that originally did not fit into the constitutional nature, popular participation established the basis for the effectiveness and expansion of the constitutional text. This construction of democracy provided an advance in guarantees aimed at minority parts of the Brazilian population.

Therefore, Brazilian redemocratization is determined by the rupture of the authoritarian regime, the greater participation of civil society and the establishment of a new constitutional text that would represent a new political scenario in Brazil. After the harsh repression of the military dictatorship, social pluralism was established in order to promote its interests against authoritarian political centralism.

Finally, the 1988 Constitution established a new framework for Brazilian democracy, being the document guardian of the fundamental principles and protectors of the dignity of the human person, this seeks to protect everyone equally, without distinction of origin, race, sex, color, age, among other aspects that make up the citizens of Brazilian society.



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