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Monika SAWICKA 

Jagiellonian University in Kraków

monika.sawicka@uj.edu.pl

CONSTITUTIONAL ATOMIC BOMB OR PAPER TIGER?

THE INSTITUTION OF IMPEACHMENT IN THE FEDERATIVE REPUBLIC OF BRAZIL¹

ABSTRACT Over the course of less than a quarter of a century, two Brazilian Heads of State – Fernando Collor in 1992 and Dilma Rousseff in 2016 – have been removed from office by impeachment. There has been much controversy surrounding both proceedings, particularly the latter. The article seeks to discuss briefly the history of the proceeding of impeachment in Brazil and its significance for the country's political life after 1988. Through an analysis of the impeachment cases of President Fernando Collor and President Dilma Rousseff, and overview of the literature on impeachment in Latin America, the paper will address the similarities and differences present in both cases in which a Brazilian Head of State was removed from office. The last part of the article will further discuss the disputes among Brazilian jurists triggered by differing evaluations of this legal measure and, in particular, the more recent case of its implementation in Brazil.

Keywords: Brazil, impeachment, constitutional tort, Fernando Collor, Dilma Rousseff

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INTRODUCTION

Rui Barbosa, a Brazilian statesman who witnessed numerous unsuccessful attempts to initiate impeachment proceedings against heads of state and ministers of the First Republic (1889-1930), called the means of holding the head of state accountable a “paper tiger”.² Several decades later, Ronald Dworkin presented a rather different opinion on the matter. In an article published in *The New York Review of Books*, the American jurist described impeachment, the procedure of holding state officials constitutionally responsible by the legislature, as a ‘constitutional atomic bomb.’ The prominent legal scholar assessed this measure as a possible tool in a political struggle, as a result of which a democratically elected leader of the country could be removed from office by a group of ambitious politicians, conflicted with the head of state, whose only obstacle was their ‘constitutional conscience.’ In 2022, the Brazilian reality significantly differs from the country’s political situation in the first half of the twentieth century, and today it is Dworkin’s remark that may appeal to many Brazilians.

Over the course of less than a quarter of a century, in Latin America’s largest country, two Heads of State – President Fernando Collor in 1992 and President Dilma Rousseff in 2016 – have been removed from office by impeachment. There has been much controversy surrounding both proceedings, particularly the latter. Discussions about the legitimacy of the procedure, its course, the political consequences for those in power, or allegations that the impeachment was a ‘parliamentary *coup d’état*,’ reverberated both in Brazil itself, where live coverage of the voting proceedings was followed by millions of citizens, as well as internationally. The events were mentioned by the world’s most important newspapers in an attempt to assess the legitimacy of the proceedings.³

The purpose of this article is to briefly trace the history of the proceeding of impeachment in Brazil and highlight its significance for the country’s political life after 1988. Through an analysis of the impeachment cases of President Fernando Collor and President Dilma Rousseff, and overview of the literature on the legal instrument in Latin America, the paper will address the similarities and differences present in both cases in which a Brazilian Head of State was removed from office. The last part

² R. Barbosa, *Ruínas de um governo*, Rio de Janeiro 1931, p. 97.

³ “Time to Go,” *The Economist*, 26 March 2016, at <https://www.economist.com/leaders/2016/03/26/time-to-go>; A.E. Smith, “Is the Impeachment Trial of Brazil’s Dilma Rousseff a Coup?,” *The Washington Post*, 20 April 2016, at <https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/20/is-the-impeachment-trial-of-brazils-dilma-rousseff-a-coup/>; M. Stürzenhofecker, “Suspendierung Rousseffs: Brasiliens Bankrotterklärung,” *Die Zeit*, 12 May 2016, at <https://www.zeit.de/politik/ausland/2016-05/dilma-rousseff-brasilien-absetzung>; M. Sandy, “Dilma Rousseff’s Impeachment is the Start of Brazil’s Crisis – Not the End,” *The Time*, 1 September 2016, at <https://time.com/4476011/brazil-dilma-rousseff-crisis-impeachment/>; C. Jiménez, “Boff: ‘La democracia brasileña es más farsa que realidad,’” *El País*, 29 May 2017, at https://elpais.com/internacional/2017/05/26/actualidad/1495833522_994721.html – 20 December 2021.

of the article will further discuss the disputes among Brazilian jurists triggered by differing evaluations of this legal measure and, in particular, the more recent case of its implementation in Brazil.

A SHORT HISTORY OF IMPEACHMENT IN BRAZIL

The institution of impeachment has been present in the national legal order since the beginning of Brazilian statehood. The constitutional responsibility of ministers already appeared in Brazil's first Magna Carta, the Constitution of the Brazilian Empire of 25 March 1824. Although the Emperor himself had no responsibility (Article 99), the Ministers of the Empire and the members of the Council of State, an advisory body to the Emperor, were accountable to the Parliament. They were to be tried by the Senate on the proposal of the Chamber of Deputies. The article 133 of the Constitution listed six acts that comprised constitutional tort (treason; bribery; abuse of power; failure to observe the law; restriction of the liberty or infringement of the property of citizens; infringement of public goods) and referred to a detailed statutory regulation, which was to specify the procedure for destitution. Importantly, the term that was used in Brazil's first Constitution was precisely tort (Port. *delicto*) and not *crime*, i.e., offence. The executive members' accountability to the legislature, thus introduced into the national legal order, was further clarified in the Law of 15 October 1827 and modified in subsequent fundamental laws: the First Republican Constitution of 1891, the Constitutions of 1934, 1937, 1946, 1967 and the current Constitution of the Federative Republic of Brazil of 1988. In imperial Brazil, the Chamber of Deputies made several attempts to remove ministers from office. None of them obtained the required majority to refer the matter to the Senate for consideration. The legal tool remained marginal during the Brazilian Empire, due in particular to the function of the emperor's so-called moderating power (*poder moderador*). It was the Brazilian ruler, as guarantor of national unity and political stability, who was involved in mitigating possible tensions between the other branches (Schwarzc and Starling 2015).

Whereas the Brazilian Empire applied certain solutions of the English model, after the proclamation of the Republic in 1889, North American examples were followed in shaping the regulation of the responsibility of public officials.⁴ In 1891, constitutional responsibility of the Head of State was for the first time written into the Brazilian Magna Carta. As with the 1826 Constitution, the details of the implementation of the impeachment procedure were to be regulated in a separate law that the Brazilian Parliament drafted in 1892. Law No. 27 of 7 January 1892, regulating the trial and adjudication of the President and Ministers, and No. 30 of 8 January 1892, defining constitutional torts, became the direct cause of the first *coup d'état* in the history of Brazilian republicanism. After an unsuccessful attempt to veto both

⁴ C.P. Gallo, *Crimes de responsabilidade. Do impeachment*, Rio de Janeiro 1992, p. 5.

laws in 1891, the President of the Republic, Deodoro da Fonseca, decided to dissolve the National Congress. The adoption of the laws did not take place until after his resignation.⁵

In an important change, the 1891 Constitution introduced the distinction between the impeachment procedure, i.e., the indictment and trial of a Head of State for committing constitutional torts, punishable by removal from office, and the possibility of trying a head of state for committing a common crime (Article 53). In the first case, following a decision by the Chamber of Deputies, the indicted person was tried by the Senate, whose proceedings were to be directed by the President of the Federal Supreme Court (FSC). In the second scenario, the case was to be submitted to the FSC. The 1891 Act furthermore used, for the first time, the term *crime de responsabilidade*, literally translated as ‘crime arising from responsibility,’ rather than the term *delicto*, which could have given the misleading impression that a constitutional tort equaled a criminal act regulated by criminal law.⁶

The procedure regulated by the 1891 Constitution was subject to certain modifications in subsequent Basic Laws. Notably, the majority of votes in the Chamber of Deputies required for the indictment of a Head of State changed (the 1946 Basic Law introduced the requirement of an absolute majority, while the laws of 1937, 1967 and 1988 required a qualified majority of 2/3 of votes). The 1934 Constitution took away the power of the Senate to try an indictment by the Chamber of Deputies, entrusting this power to a special nine-member Tribunal (composed of three FSC judges, three Senators and an equal number of Deputies) (Article 58). Although provisions on the constitutional responsibility of the Head of State were included in both the 1937 and 1967 Constitutions, they remained a dead letter. Their implementation was not realistic neither during the authoritarian rule of Getúlio Vargas in the so-called “New State” (1937-1945) nor during the military dictatorship (1964-1985).

Over the years, the enumerative lists of acts falling under the definition of a constitutional tort have also changed with the adoption of successive Magna Cartas. However, all of them provided for separate statutory regulation of the instrument’s details. In the Constitution of 1937, i.e., the one regulating the constitutional foundations of the ‘New State,’ for the first time a provision was introduced indicating that constitutional liability could be incurred only for acts related to the exercise of a state function. Such a regulation was also repeated in the currently binding Magna Carta.

The 1988 Constitution devotes two articles to the procedure for impeachment of the Head of State. Article 85 lists the acts that would result in a constitutional tort (acts detrimental to the existence of the Union; obstructing the functioning of other authorities and units of the federation; detrimental to the political, individual and social rights of citizens; against the internal security of the country; dishonest administration;

⁵ L.A. Badin, R. Hippolito, “Impeachment,” in *CPDOC encyclopedic repository of the Getúlio Vargas Foundation*, 2009, at <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/impeachment> – 20 December 2021.

⁶ F. de Castro Fontainha, A.M.D. Silva, I.S. Nuñez (eds), *História oral do Supremo (1988-2013)*, vol. 20, Rio de Janeiro 2017, pp. 74-75.

violating the Budget Act, and acts detrimental to the execution of laws and court judgments). It should be emphasized that the supreme legislative act of the State does not contain a definition of a constitutional tort, but only gives an exhaustive list of acts that amount to constitutional torts.⁷ A prominent Brazilian constitutionalist, Paulo Brossard, has been critical of the precise list enumerating acts that qualify as torts. In his work on the impeachment in Brazilian constitutional law, he also cited the opinion of another well-known constitutionalist Gabriel Luiz Ferreira, who had reservations about replacing a vague definition with a list of acts considered as torts.⁸ Indeed, a more general provision stressing the possibility of removing a Head of State for a serious offence would, according to both legal scholars, have prompted the legislature to debate in depth whether the act alleged against the Head of State was serious enough to become a rationale for implementing the measure.

Article 86 of the Constitution briefly outlines the procedure, indicating that once the Chamber of Deputies has passed an indictment by a two-thirds majority, the Head of State is tried by the Senate. It is worth adding that, under Article 51, the Chamber of Deputies may also indict the Vice-President and Ministers, while the Senate (Article 52), in addition to the Head of State, may try the Vice-President, members of the FSC, the Prosecutor General of the Republic, and Attorney General of the Union, as well as Ministers and Commanders of the armed forces accused of a constitutional offence, if their acts are related to those committed by the President.

The Basic Law also preserves the possibility of holding the Head of State responsible for committing a common crime, in which case the proceedings should take place before the FSC (Article 86). The Head of State is suspended from their functions for 180 days from the moment the Senate starts the proceedings or the FSC accepts the indictment. If no sentence is passed after this period, they are reinstated in their functions, although the proceedings may continue. As with the Chamber of Deputies, in the Senate, a two-thirds majority is required for conviction. The Constitution solely authorizes the Senate to revoke the convicted person's office and public rights for eight years, while leaving open the possibility of other legal sanctions. It should also be stressed that in the case of a trial before the FSC for committing a common crime, the conviction does not deprive the Head of State of office, as is the case with the Senate's ruling.⁹

The issue of impeachment, in addition to the rules of procedure of the two chambers and the interpretation of the FSC, is more precisely regulated by Law No. 1079 of 10 April 1950. It contains provisions further specifying constitutional torts (articles 5-13 for the Vice-President President and Ministers; articles 39-40 for FSC judges and the Prosecutor General of the Republic). The law grants the right to submit an indictment to the Chamber of Deputies (in the case of the President, Vice-President and

⁷ J. Cretella, *Do impeachment no direito brasileiro*, São Paulo 1992, p. 38.

⁸ P. Brossard, *O impeachment. Aspectos da responsabilidade política do Presidente da República*, São Paulo 1992, p. 52.

⁹ J. Cretella, *Do impeachment...*

Minister) to any citizen, as it does for indictments against members of the FSC, the Prosecutor General of the Republic and the Attorney General of the Union (which go directly to the Senate). It also regulates the impeachment procedure against Governors and Secretaries of states, tried by state legislatures. Political responsibility before the Municipal Councils (Câmaras Municipais), the legislative authority of the municipalities, i.e., the smallest administrative units of the Federation, is also exercised by the Mayors of the cities, as regulated in detail by Decree-Law (Decreto-Lei) No. 201 of 1967.

Brazilian constitutionalists disagree on the nature of impeachment's legal measure. Some of them take the view that it is a political-administrative process and concerns the committing of a constitutional tort by a public official, which – despite its confusing name in Portuguese – should not be conflated with a crime. The responsibility of the Head of State was therefore intended as an instrument to uphold respect for the Constitution and to protect citizens and the State from administrators who performed their duties poorly. Therefore, the only form of punishment for 'bad governance' could be removal from office and temporary disqualification from holding a public position.¹⁰ In a constitutional law textbook, Ferreira Filho¹¹ described impeachment as form of exerting parliamentary control over the government. The Supreme Court has simultaneously ruled on several occasions that a public official can be tried in parallel by the Senate for committing a constitutional tort and by the FSC for committing a common crime, while Brossard emphasized that the same act can simultaneously carry the characteristics of both a constitutional tort and a crime.¹²

However, some constitutionalists disagree with such interpretation. For Aurelino Leal, Pontes de Miranda in the 20th century or, more recently, Manoel Peixinho and Margarida Camargo and José Vieira, the process is of a mixed nature.¹³ While overall impeachment can be considered a political process, the procedural requirements that must be observed by both chambers are similar to criminal proceedings, moreover, the judgment is also criminal in nature. Furthermore, serious divergences are discernible in discussions on the FSC's role in controlling the procedure's constitutionality. They concern the authority competent to assess the content of an indictment request and to verify whether the allegations amount to a constitutional tort. According to some Brazilian legal scholars, including Manoel Peixinho of the Pontifical University of Rio de Janeiro (PUC-Rio) and André Ramos Tavares of the University of São Paulo, it is the FSC that should assess whether the substantive criteria justifying the implementation of the procedure are met. Nonetheless, opponents of such an

¹⁰ Ibid.; P. Brossard, *O impeachment...*; M. Ferreira Filho, *Curso de direito constitucional*, São Paulo 2012

¹¹ M. Ferreira Filho, *Curso de direito...*

¹² P. Brossard, *O impeachment...*, p. 71.

¹³ G.B.P. Moraes, *Curso de direito constitucional*, São Paulo 2016, pp. 486-488; M.M. Peixinho, "O processo de impeachment no Brasil e o estado democrático de direito," *Quaestio Iuris*, vol. 10, no. 3 (2017), pp. 1943-1963; M.L. Camargo, J.R. Vieira, "O Impeachment e o seu desenho institucional conflitivo," *Jota*, 20 January 2016, at <https://www.jota.info/opiniao-e-analise/artigos/o-impeachment-e-o-seu-desenho-institucional-conflitivo-20012016> – 20 December 2021.

interpretation – Paulo Brossard and Manoel Gonçalves Ferreira Filho, among others – posit that according to the Constitution, such assessment is an exclusive competence of the Chamber of Deputies.¹⁴

Although the impeachment procedure has been regulated under Brazilian law more precisely than it is in the United States, the proceedings in 1992 and especially in 2016 were accompanied by numerous controversies and disputes. After a brief presentation of both cases, objections to the measure's implementation in Brazil will be presented.

THE IMPEACHMENT OF THE MAHARAJAH HUNTER

Fernando Affonso Collor de Mello assumed the country's highest office on 15 March 1990, after winning over leftist candidate Luiz Inácio Lula da Silva in the second round of the presidential election on 17 December 1989. It was the first democratic and direct election of a Head of State since 1960. During the electoral campaign, Collor was described as a 'Maharajah hunter,' which emphasized his uncompromising stance on the fight against corruption, undertaken while he was still the governor of the Northeast state of Alagoas. 'Maharajas' referred to the corrupt and highly paid senior public officials. On assuming office, Collor also set out to implement a plan to rescue the Brazilian economy, which had been plagued by a debt crisis, hyperinflation and very poor economic growth performance since the early 1980s, despite José Sarney administration's (1985-1990) attempts to implement economic reforms.¹⁵ As early as his inauguration, the new Head of State presented the Congress with a recovery plan called the New Brazil Plan, commonly known as the Collor Plan. It provided for currency reform, wage and price freeze, as well as drastic reduction in public spending, among others through massive layoffs of public officials and large-scale privatization of public enterprises. These measures, coupled with the unprecedented decision of 16 March to freeze bank accounts (savings, current accounts and financial assets) of Brazilians for 18 months,¹⁶ led to a sharp decline in the President's popularity. Collor, enjoying 71% support at the time of his inauguration, could count on only 36% of voters assessing his

¹⁴ Russo R., "STF pode mudar decisão do Congresso sobre impeachment, diz especialista – entrevista com André Ramos Tavares," *Folha de S. Paulo*, 20 April 2016, at <https://www1.folha.uol.com.br/poder/2016/04/1763050-stf-pode-mudar-decisao-do-congresso-sobre-impeachment-diz-especialista.shtml> – 20 December 2021; F. de Castro Fontainha, A.M.D. Silva, I.S. Nuñez (eds), *História...*; M.M. Peixinho, "O processo de impeachment..."; M. Vasconcellos, S. Rodas, "Supremo Tribunal Federal não pode rever mérito de decisão de impeachment – entrevista com Manoel Gonçalves Ferreira Filho," *Consultor Jurídico*, 1 May 2016, at <https://www.conjur.com.br/2016-mai-01/entrevista-manoel-goncalves-ferreira-filho-constitucionalista> – 20 December 2021.

¹⁵ B. Sallum Jr, "Crise política e impeachment," *Novos Estudos CEBRAP*, vol. 35, no. 2 (2016), pp. 187-188.

¹⁶ Câmara dos Deputados, *A perplexidade do brasileiro diante do confisco das contas bancárias e poupanças*, at <https://www.camara.leg.br/radio/programas/273499-a-perplexidade-do-brasileiro-diante-do-confisco-das-contas-bancarias-e-poupancas-05-44/> – 20 December 2021.

rule as very good or good after three months in office. In the subsequent months, his ratings dropped even further, reaching a meager 9% in June 1992.¹⁷

While the immediate cause that led to the impeachment procedure of the Head of State was a corruption scandal, its origins can be traced back to Collor's arbitrary governing style. Starting with the presidential campaign, he cut himself off from the Brazilian political class, claiming to be a nonpartisan candidate. In spite of his support for neo-liberal reforms and his upper-class family background, Collor managed to portray himself as a representative of the *descamisados* – the poorest groups of Brazilians. The politician ran for office as member of a small and unpopular National Reconstruction Party which, after the parliamentary elections in November 1990, gained less than 5% of seats in the Chamber of Deputies and had no representation in the Senate.¹⁸ More significantly, in the first two years of his presidency, Collor did not seek to build a political base in Congress, demonstrating his will to govern on his own. This included the selection of candidates for prominent governmental and advisory positions. In a similar vein, members of his cabinet eschewed consultations with Congressmen on the administration's agenda, including a major economic reform, each time trying to gain MPs support right before important votes on projects submitted by the Head of State.¹⁹ In order to circumvent the legislative process, the President repeatedly used one of his most important constitutional prerogatives, the so-called provisional measures (*medidas provisórias*, MP). These decrees entered into force with immediate effect and were valid for a period of 30 days,²⁰ during which Congress could decide whether to adopt or reject them. While the issuing of such measure is an accepted practice in Brazil, Collor was the undoubted record-holder. Between March and December 1990, he issued as many as 143 statutory measures, which drew strong criticism from both Congress and the FSC.²¹

The Collor administration showed more openness to working with Congress in 1991, seeking support for another economic reform package. By early 1992, the Brazilian leader was also ready to build a coalition with the largest incumbent parties, agreeing to rebuild the government and fill ministries with party-designated candidates.²² The position of the executive branch was by then definitely weaker, due to the decline of the Head of State's popularity and a more distanced attitude of the media towards him. For Collor, this was particularly troublesome, as he was keen on political marketing and appealing to the support of the masses to justify his actions.²³ Moreover, despite

¹⁷ Datafolha, *Avaliação do governo Collor*, 1992, at <http://datafolha.folha.uol.com.br/opiniaopublica/1992/06/1222335-avaliacao-governo-collor---1992.shtml> – 20 December 2021.

¹⁸ A.C. Figueiredo, "The Collor Impeachment and Presidential Government in Brazil," in M. Llanos, L. Marsteintredet (eds), *Presidential Breakdowns in Latin America. Causes and Outcomes of Executive Instability in Developing Democracies*, New York 2010, p. 114.

¹⁹ O.G. Encarnación, *The Myth of Civil Society: Social Capital and Democratic Consolidation in Spain and Brazil*, New York 2003, pp. 140-141.

²⁰ The validity of the decrees was changed to 60 days by a 2001 constitutional amendment.

²¹ B. Sallum Jr, "Crise política...", p. 190.

²² A.C. Figueiredo, "The Collor Impeachment..." p. 116; B. Sallum Jr, "Crise política...", p. 195.

²³ B. Sallum Jr, "Crise política...", p. 190.

the reform packages, Brazil's economic situation was extremely difficult: in 1990, the economy contracted by 4.35% (achieving growth of only 1.03% in 1991), inflation rose by 450% in his first year in office and by a further 1100% the following year, average household income was falling, while unemployment was on the rise.²⁴

In May 1992, the country's largest weekly newspaper, *Veja*, published an interview with the President's brother, who accused the Head of State of personally benefiting from a corruption scheme directed by the presidential campaign treasurer. Another publication, this time by the weekly *IstoÉ* at the end of July, that suggested the existence of documents confirming the participation of the Head of State in a corruption scheme had even more severe repercussions.²⁵ President Collor's televised appeal to citizens to express support for him through mass street demonstrations received a wide response. However, instead of wearing the yellow and green national colors affirming support for the leader, on Sunday 16 August 1992, Brazilians wore black, demanding that President Collor be held accountable. More than 1.2 million citizens took part in the August demonstrations, which prompted the impeachment vote and affected its outcome. On 29 September 1992, the Chamber of Deputies decided to impeach the President. With 441 votes in favor of the impeachment motion to 38 votes against, the lower house of Congress decided to submit the matter to the Senate. The motion contained two charges against the Head of State: express or tacit acquiescence in violations of law or public order and behavior violating the dignity of the office.²⁶ Although President Collor announced his decision to resign a few hours before the vote in Senate, nevertheless, the upper chamber proceeded with the vote and on 30 December decided to remove the Head of State from office and strip him of his political rights for eight years.

“FOR MY MOTHER LUCIMAR”: IMPEACHMENT OF PRESIDENT DILMA ROUSSEFF

Dilma Vana Rousseff came to power after winning the 2010 presidential election. The victory, rather than expressing support for the candidate, was determined by the fact that the politician received support from her predecessor, President Lula da Silva (2003-2010). In the election year, Brazil recorded a high GDP growth rate of 7.5%, low unemployment of 6.7% and controlled inflation at the level of 5,91%.²⁷ However, the factor that secured President Lula da Silva's record high approval rating of 80% in his last year in office and contributed to Dilma Rousseff's victory was the administration's social policies, with the Family Scholarship (*Bolsa Família*) program, which

²⁴ “Painel de Indicadores,” IBGE, at <https://www.ibge.gov.br/indicadores> – 20 December 2021; A.C. Figueiredo, “The Collor Impeachment...,” p. 114.

²⁵ E. José, “O homem errado,” *Teoria e Debate*, 9 May 2013, at <https://teoriaedebate.org.br/2013/05/09/%EF%BB%BFo-homem-errado/> – 20 December 2021.

²⁶ A. Rattinger, “The Impeachment Process of Brazil: A Comparative Look at Impeachment in Brazil and the United States,” *University of Miami Inter-American Law Review*, vol. 49 (2018), p. 148.

²⁷ “Painel de Indicadores...”

lifted 36 million Brazilians out of poverty, as their hallmark.²⁸ The election of Dilma Rousseff as the first female leader in the country's history meant a continuation of her predecessor's initiatives, which the candidate repeatedly emphasized during the election campaign.

Upon assuming the highest office on 1 January 2011, the President was tasked with maintaining the country's stable economic growth, low inflation and unemployment rate, and further development of social programs. Brazil was also going to host two major sporting events: the World Cup in 2014 and the Summer Olympics in Rio de Janeiro two years later. It was the organization and the enormous costs of those events, along with the country's clearly deteriorating economic condition (in 2011 and 2012, economic growth reached 2,7% and 0,9% respectively) that constituted the main causes of the growing discontent among Brazilians. In mid-2013, citizens took to the streets of Brazilian cities to manifest *en masse* their dissatisfaction.²⁹ Even though President Rousseff managed to defeat her opponent from the center-right Social Democratic Party (PSDB) in the 2014 presidential election, the second-round vote lead obtained was the lowest since 1989. At the end of 2014, the PSDB party filed a complaint with the Supreme Electoral Court, challenging the election result. The motion was justified by the unauthorized financing of Dilma Rousseff's campaign.³⁰ Yet, this was just the beginning of Rousseff's problems.

In early 2015, Brazilian media began to reveal ever more information about the biggest corruption scandal in Brazilian history, unraveled by the federal police in Operation Car Wash (*Operação Lava Jato*). Although the first reports began to emerge as early as the election year and the allegations against the President concerned her knowledge of the extensive corruption, rather than her profiting from the procedure, support for the Head of State began to fall, sinking to 10% in March 2016.³¹ Due to the increasingly difficult economic situation and media coverage of the corruption scandal, once again millions of Brazilians took to the streets in March 2015, demanding that the President step down. Although there were also demonstrations in her support, they were less numerous. By September 2015 alone, more than fifty motions to indict the President had been submitted to the Speaker of the Chamber of Deputies, Eduardo Cunha, of the centrist Brazilian Democratic Movement Party (PMDB).³²

²⁸ J. Petelczyc, M. Cichy, "Jak Partia Pracujących zmieniła Brazylię. Wywiad z prof. Ladislaudem Dowborem," in *idem* (eds), *Brazylia, kraj przyszłości?*, Warsaw 2016, pp. 25-26.

²⁹ P. Kingstone, "I'm Mad as Hell...": Brazilian Protests in Comparative Perspective," *E-International Relations*, 6 August 2013, at <https://www.e-ir.info/2013/08/06/im-mad-as-hell-and-im-not-going-to-take-this-anymore-brazilian-protests-in-comparative-perspective/> – 20 December 2021.

³⁰ M. Schreiber, "Ação que pode cassar chapa Dilma-Temer entra na reta final: e agora?," *BBC News Brasil*, 28 March 2017, at <https://www.bbc.com/portuguese/brasil-39413855> – 20 December 2021.

³¹ Datafolha, *Dilma vê reprovação subir e alta no apoio a sua saída*, 2016, at <http://datafolha.folha.uol.com.br/opiniaopublica/2016/03/1752306-dilma-ve-reprovacao-subir-e-alta-no-apoio-a-sua-saida.shtml> – 20 December 2021.

³² R. Coletta, "No 2º mandato de Dilma, número de pedidos de impeachment empata com o de medidas provisórias," *Época*, 27 April 2016, at <https://epoca.globo.com/tempo/expresso/noticia/2016/04/>

When looking for the causes of the impeachment in 2016, one should also point to the poor result of the presidential leftist Workers' Party (PT) in the elections to Congress, held simultaneously with the first round of the presidential elections. Although PT won the most seats in the Chamber of Deputies (70/513), the obtained result forced its leadership to build a broad, nine-party coalition to secure the support for the Head of State. Notwithstanding the fact that Rousseff's administration took into account the interests and demands of the coalition parties' leaders, some Congressmen indicated the 'difficult character' of President Rousseff, not conducive to compromises, which supposedly discouraged Congress from supporting the Head of State. The accusations against her included insufficient solicitation for Congressmen's backing on government programs along with her disregard for the criticism or suggestions proposed by advisors and coalition partners. Many analysts also pointed out that the technocratic economist lacked her predecessor's charisma and ability to mitigate the disputes and political tensions.³³ More significant than the personal predisposition of the Head of State, however, was the fact that since the beginning of the corruption scandal, President Rousseff took no steps to curb the ongoing investigations. Under pressure from street protests, her administration prepared and submitted to Congress the so-called "anti-corruption package" – draft laws that were supposed to facilitate investigations and convictions for corruption within public administration.³⁴ The position of the Head of State may have received a mixed reception from Congressmen, many of whom were suspected of benefiting illegally from the corruption scheme. Moreover, on 2 December 2015, as a result of the ongoing investigation against Cunha as part of Operation *Lava Jato*, Workers' Party MPs on the Ethics Committee of the Chamber of Deputies supported a motion to lift the Speaker's immunity.

On the same day, Eduardo Cunha accepted one of the motions for the impeachment of the Head of State and referred it to the investigative committee set up for this purpose. The adopted motion included allegations of fiscal crimes (issuing decrees in 2014 and 2015 allowing the financing of social programs without the authorization of Congress and in breach of public financial discipline) and creative accounting in the management of funds for the payment of social programs. The vote to indict Dilma Rousseff took place on 17 April 2016. 367 deputies voted in favor of the impeachment, with 137 votes against. The event was broadcast live by the media and millions of Brazilians could hear the justifications or 'dedications' given by the impeachment supporters casting their vote: 'for my mother Lucimar,' 'for my wife and daughter, my core electorate,' 'for my granddaughter who has birthday today,' 'for the Freemasons of Brazil,'

no-2-mandato-de-dilma-numero-de-pedidos-de-impeachment-empata-com-o-de-medidas-provisorias.html – 20 December 2021.

³³ P. Doria, *Why the Political Crisis in Brazil Isn't a Coup*, OpenDemocracy, 25 May 2016, at <https://www.opendemocracy.net/en/coup-in-brazil-dilma-rousseff/> – 20 December 2021.

³⁴ F. Matoso, F. Calgaro, "Dilma anuncia pacote anticorrupção e oficializa entrega ao Congresso," *G1*, 18 March 2015, at <http://g1.globo.com/politica/noticia/2015/03/dilma-encaminha-ao-congresso-nacional-pacote-anticorruptcao.html> – 20 December 2021.

‘for Carlos Alberto Brilhante Ustra, Dilma’s torturer’ (Jair Bolsonaro’s dedication), ‘for the 1964 military.’³⁵

The vote in the Senate took place on 31 August. Prior to it, FSC Judge Ricardo Lewandowski presiding over the Senate, made an unprecedented decision at the request of one of the coalition parties and agreed to hold two separate votes: on the destitution of the Head of State and on the deprivation of public rights for eight years. In the first vote, President Rousseff’s opponents obtained a majority of 61 votes with 20 against, while in the second voting the result of 42 to 36 was insufficient to deprive the accused of her right to actively participate in Brazil’s political life.

THE HEATED DEBATE ON IMPEACHMENT

To this day, the issue of impeachment, in particular the implementation of the procedure against President Rousseff in 2016, raises numerous debates in Brazil. The legitimacy of its application is contested, with opponents of President Rousseff’s impeachment repeatedly describing the 2016 Senate decision as a parliamentary coup.³⁶ This position is weakened the fact that the series of circumstances was in many respects similar to those in 1992, while the destitution of President Collor does not raise so many serious objections today.³⁷ On the other hand, there are marked differences between the situation in 1992 and 2016.

Both leaders were notable for their thorny relationship with the legislature. President Collor’s party was an insignificant force in Congress, and the results of the 2014 parliamentary elections were also disappointing for the PT, which won 14% of seats in the Chamber of Deputies, while ten PT members were elected to the Senate in 2016 (12%). More significantly, at the beginning of his term, President Collor did not see the need to secure a presidential majority in the parliament, with his party entering into a coalition with two small and insignificant groups in the parliament. The situation was different for President Rousseff, who at the beginning of 2015 could count on 59% of the vote in the Chamber of Deputies, thanks to the nine-party coalition, and 64% in the Senate. However, the picture changed at the end of the year, when tensions between the Workers’ Party and their most important coalition partner, the PMDB, arose. They were caused, among other factors, by President Rousseff’s neutral attitude towards the ongoing *Lava Jato* investigations and her visible reluctance to impede them, which led the PMDB to break up with the presidential coalition thereby depriving it of its majority.

Having a presidential majority and the ability to maintain stable parliamentary coalitions that ensure Congressional support for the government’s program are indicated

³⁵ Câmara dos Deputados, *Plenário – Sessão Deliberativa...*

³⁶ C. Paixão, “Um golpe desconstituente?” *Jota*, 12 May 2016, at <https://www.jota.info/opiniao-e-analise/artigos/democracia-e-constituicao-um-golpe-desconstituente-12052016> – 20 December 2021; M.M. Peixinho, “O processo de impeachment...”; K. Kozicki, V.K. Chueiri, “Impeachment: A arma nuclear constitucional,” *Lua Nova*, vol. 108 (2019), pp. 157-176.

³⁷ B. Sallum Jr, “Crise política...”

as important conditions for stable governance in Brazil. It is a consequence of the constitutional solutions, which did not take into account the North American principle of separation of powers,³⁸ but introduced solutions assuming a greater need for cooperation between the executive and the legislature. The system of Latin America's largest country is sometimes referred to as 'coalition presidentialism,' which further highlights the importance of providing the Head of State with a political base in the legislature.³⁹ With numerous objections to the removal of a Head of State from office, particularly in the case of Dilma Rousseff's presidency, many experts agree that the turbulent cooperation between the executive and the legislature, the resentment of Congressmen and allegations that the Head of State does not consult with them on their political agenda, as well as inability to maintain a coalition in Congress constitute the circumstances under which impeachment proceedings may be triggered in Brazil (and more broadly in Latin America).⁴⁰

It is also worth pointing out that both Collor and Rousseff were accused of individualism and of isolating themselves from other political institutions. Accusations of an arrogant attitude towards Congress or a belief in the superior position of the executive in respect to other organs of power were raised in particular against President Collor. Although President Rousseff was more aware of the rules of the Brazilian political game, the analyses of the causes that led to the fall of her administration also include allegations of stubbornness, excessive self-reliance and an insufficiently flexible attitude towards representatives of other parties. For the President, this meant alienating not only prominent opposition politicians but also members of her own party.⁴¹

The arbitrariness of the Head of State's rule and their conviction of a particularly strong institutional position resulting from a directly elected mandate have been pointed out as a feature of Latin America's unconsolidated democracies. The political systems of these countries have been described as super-presidentialism,⁴² neo-presidentialism,⁴³

³⁸ A.C. Figueiredo, "The Role of Congress as an Agency of Horizontal Accountability: Lessons from the Brazilian Experience," in S. Mainwaring, C. Welna (eds), *Democratic Accountability in Latin America*, Oxford 2003, pp. 170-197; F. Santos, M.G. Vilarouca, "Political Institutions and Governability from FHC to Lula," in P. Kingstone, T.J. Power (eds), *Democratic Brazil Revisited*, Pittsburgh 2008, pp. 66-69.

³⁹ T.J. Power, "Optimism, Pessimism, and Coalitional Presidentialism: Debating the Institutional Design of Brazilian Democracy," *Bulletin of Latin American Research*, vol. 29, no. 1 (2010), pp. 18-33; A. Mauerberg Jr, C. Pereira, C. Biderman, "The Evolution of Theories about the Brazilian Multiparty Presidential System," *Journal of Politics in Latin America*, vol. 7, no. 1 (2015), pp. 143-161.

⁴⁰ A. Perez-Liñan, *Presidential Impeachment and the New Political Instability in Latin America*, New York 2007; Hochstetler K., "Rethinking Presidentialism: Challenges and Presidential Falls in South America," *Comparative Politics*, vol. 38, no. 4 (2006), p. 408.

⁴¹ F. Argolo, "A Woman out of Place: Dilma Rousseff in *Veja Magazine*," *Latin American Research Centre*, 2018, at <https://larc.ucalgary.ca/publications/woman-out-place-dilma-rousseff-veja-magazine> – 20 December 2021.

⁴² Ławniczak A., *Ustroje polityczne państw latynoamerykańskich*, Wrocław 2008.

⁴³ J. Szymanek, "Legislatura i egzekutywa w prezydenckich i półprezydenckich systemach rządów" [Legislature and Executive in Presidential and Semi-Presidential Systems of Government], *Przegląd Sejmowy*, vol. 25, no. 1(138) (2017), pp. 103-136.

delegative democracies,⁴⁴ or plebiscitary democracies.⁴⁵ Although Brazil does have procedures for enforcing the horizontal accountability of the executive by organs of other authorities, chiefly the parliament through parliamentary committees of inquiry,⁴⁶ these procedures face accusations of feebleness.⁴⁷ Given that the activities of the committees of inquiry were intended primarily to influence the revisions of programs shaped by the executive branch, and instead, led to the preparation of reports recommending the implementation of an impeachment procedure against the Head of State in 1992 and 2016, rather than being an effective means of controlling and balancing the executive, they prove themselves as an instrument used to resolve a deep political crisis. This role of impeachment as a means of limiting or correcting the flaws of Brazilian presidentialism is pointed out by some experts, who take the position that impeachment in Brazil has been used as a constitutional means of controlling the executive.⁴⁸ It should be added, however, that in both cases the decisions of the members of the committees of inquiry were influenced by very important additional factors: a significant decline in the popularity of the presidents and massive civic protests.

Guillermo O'Donnell⁴⁹ pointed out that in delegative democracies, while the President has the ability to make quick and often unconsulted policy choices, the price they pay for it requires taking full responsibility for the administration's decisions and, often, the impossibility of implementing these policies. This, in turn, translates into sudden drops in popularity. Such logic becomes evident in the cases of President Collor and President Rouseff, whose public support plummeted after the elections. Behind the deteriorating ratings, there were also economic crises. Despite the reform packages introduced by the Heads of State, key economic indicators did not improve and millions of citizens felt the effects of rising unemployment, compounded in 2016 by dissatisfaction with the quality of public services while at the same time huge amounts of money were spent on hosting major sporting events. In turn, the combination of economic performance and media coverage of corruption created an explosive mixture, which in both cases brought millions of Brazilians to the streets.

What differed the situation of Collor from that of Rouseff, however, was the extent to which the Head of State was linked to illegal practices, the details of which were gradually revealed by the media and, in the 21st century, social media. In the first case, the press reported the unequivocal evidence of President Collor personally benefiting from corrupt activities run by his campaign treasurer. In the case of Madam President, no such evidence was presented. Moreover, according to some opinions, Dilma

⁴⁴ G. O'Donnell, "Demokracja delegacyjna," in P. Śpiewak (ed.), *Przyszłość demokracji. Wybór tekstów*, transl. by P. Rymarczyk, Warsaw 2005, pp. 169-189 (Biblioteka Polityczna "Aletheia," vol. 18).

⁴⁵ J.J. Linz, "The Perils of Presidentialism," *Journal of Democracy*, vol. 1, no. 1 (1990), pp. 51-69.

⁴⁶ A.C. Figueiredo, "The Role of Congress..."

⁴⁷ G. O'Donnell, "Demokracja delegacyjna..." p. 179.

⁴⁸ L. Marsteintredet, E. Berntzen, "Reducing the Perils of Presidentialism in Latin America through Presidential Interruptions," *Comparative Politics*, vol. 41, no. 1 (2008), pp. 84; A.C. Figueiredo, "The Collor Impeachment..." pp. 124-125.

⁴⁹ G. O'Donnell, "Demokracja delegacyjna..." pp. 176-177, 186.

Rousseff was known for her honesty and not accepting bribes.⁵⁰ Media reports, therefore, focused on the corruption of the political party the president was a member of. PT was blamed for the development of a corruption scheme on a scale unprecedented in Brazilian history. Although attention was drawn to the involvement of representatives of various political parties, including opposition parties, the main focus was former President Lula da Silva and his political base. The biggest TV station, Globo, and the weekly *Veja* (the same magazine that published an interview with the President's brother in 1992) emphasized Rousseff's knowledge about corruption and her lack of determined action to curb these practices. In the last four years, a number of academic studies after the 2016 impeachment was analyzing the Brazilian media's lack of objectivity and even its deliberate actions to ensure public support for proceeding.⁵¹ In addition, thanks to the information appearing on Facebook and notifications sent via Whatsapp, mass protests took place in many Brazilian cities in 2013 and 2015.

Among the arguments presented by the critics of the implementation of the procedure in 2016 are, thus, serious objections to the neutrality of the traditional media and the image of the President shaped by them. The most controversial, however, is the content of the allegations in the impeachment motion, especially the 'creative accounting' Dilma Rousseff was accused of. Although there can be found opinions recognizing such allegations as grounded,⁵² some Brazilian constitutionalists stressed that the practice was followed by all Heads of State after 1992, never before providing grounds for the procedure.⁵³ The timing of the tort was also objectionable. The accusations concerned practices from 2014, i.e., the first mandate, which, in the opinion of some legal scholars, could not constitute grounds for holding the Head of State accountable during the second mandate.⁵⁴ Constitutionalists also argued about the gravity of acts that could be considered a tort, with André Tavares of the University of São Paulo holding that a tort could not refer to merely objectionable acts, but acts that clearly violated

⁵⁰ Watts J., "Dilma Rousseff Impeachment: What You Need To Know – the Guardian Briefing," *The Guardian*, 31 August 2016, at <https://www.theguardian.com/news/2016/aug/31/dilma-rousseff-impeachment-brazil-what-you-need-to-know> – 20 December 2021.

⁵¹ T.A. Van Dijk, "How Globo media manipulated the impeachment of Brazilian President Dilma Rousseff," *Discourse & Communication*, vol. 11, no. 2 (2017), pp. 199-229; L. Guazina, H. Prior, B. Araújo (eds), *(Des)construindo uma queda. A mídia e o impeachment de Dilma Rousseff*, Florianópolis 2019.

⁵² G. Badaró, "Presidente reeleito pode sofrer impeachment por ato realizado em mandato anterior? Sim," *Folha de S. Paulo*, 22 August 2015, at <https://www1.folha.uol.com.br/opiniaio/2015/08/1672125-presidente-reeleito-pode-sofrer-impeachment-por-ato-realizado-em-mandato-anterior-sim.shtml>; J.M. Adeodato, "O impeachment no estado democrático," *Folha de S. Paulo*, 9 September 2016, at <https://www1.folha.uol.com.br/opiniaio/2016/09/1811563-o-impeachment-no-estado-democratico.shtml> – 20 December 2021; M. Vasconcellos, S. Rodas, "Supremo Tribunal Federal..."

⁵³ K. Kozicki, V.K. Chueiri, "Impeachment..." p. 163.

⁵⁴ N. Viana, "Comparato: 'O impeachment hoje é absolutamente ilegítimo' – entrevista com Fábio Konder Comparato," *Publica. Agência de Jornalismo Investigativo*, 4 December 2015, at <https://apublica.org/2015/12/truco-comparato-o-impeachment-hoje-e-absolutamente-ilegitimo/>; L. Streck, "Constituição é contra impeachment de Dilma por fato do mandato anterior," *Revista Consultor Jurídico*, 24 August 2015, at <https://www.conjur.com.br/2015-ago-24/lenio-streck-constituicao-impeachment-mandato-anterior> – 20 December 2021.

the Brazilian Constitution and the basis for the functioning of the state.⁵⁵ Researchers criticized the excessive speed of the initiation of the procedure and the process in the Senate, not allowing for in-depth reflection in both chambers.⁵⁶ Objections were also voiced against the FSC, which refused to respond to the content of the indictment (although, as mentioned above, FSC's own authority to make such a ruling also remains a highly contested issue).⁵⁷

Brazilian legal scholars argue as well whether impeachment can be an instrument used to remove a Head of State for their overall policies and actions if those actions are criticized by parliament and society. However, this argumentation implies that the constitutional tort does not have to be serious (*sic!*), as Senators voting to impeach the President make a political decision affected also by other considerations.⁵⁸ Objections have furthermore been raised to Judge Lewandowski's decision to preside over the Senate's deliberations to split the vote, leading to Dilma Rousseff's non-deprivation of political rights. Opponents of impeachment pointed out that if the misconduct of the deprived politician was not serious enough to lead to a ban on her participation in the political life of the country for eight years, it was even less sufficient to deprive her of the office obtained by the votes of millions of citizens.⁵⁹ Some constitutionalists also question the use of the impeachment procedure in the absence of a presidential majority in parliament, stressing that the legislature does not have the power to remove the Head of State in order to resolve a political crisis caused by the lack of agreement and cooperation between the legislature and the executive.⁶⁰

FINAL REMARKS

The impeachment of President Collor started a peculiar Latin American cycle of impeachments: the procedure was then implemented against the leaders of Venezuela (1993), Ecuador (1997 and 2005), Peru (2000), Paraguay (1999 and 2012) and

⁵⁵ R. Russo, "STF pode mudar decisão do Congresso sobre impeachment, diz especialista – entrevista com André Ramos Tavares," *Folha de S. Paulo*, 20 April 2016, at <https://www1.folha.uol.com.br/poder/2016/04/1763050-stf-pode-mudar-decisao-do-congresso-sobre-impeachment-diz-especialista.shtml> – 20 December 2021.

⁵⁶ C. Paixão, "Um golpe desconstituente?..."

⁵⁷ M.M. Peixinho, "O processo de impeachment..."; A.G.M.F. Bahia, M.A.C. Oliveira, P.R.V. Vecchiatti, "Supremo Tribunal Federal deve barrar ou nulificar impeachment sem crime de responsabilidade," *Empório do Direito*, 25 March 2016, at <https://emporiiodireito.com.br/leitura/supremo-tribunal-federal-deve-barrar-ou-nulificar-impeachment-sem-crime-de-responsabilidade-por-alexandre-gustavo-melo-franco-de-moraes-bahia-marcelo-andrade-cattani-de-oliveira-e-paulo-roberto-iotti-vecchiatti> – 20 December 2021.

⁵⁸ M.M. Peixinho, "O processo de impeachment...", p. 1948; M.L. Camargo, J.R. Vieira, "O Impeachment..."

⁵⁹ M.M. Peixinho, "O processo de impeachment...", pp. 1950-1951.

⁶⁰ A.G.M.F. Bahia, M.A.C. Oliveira, P.R.V. Vecchiatti, "Supremo Tribunal Federal..."; M.M. Peixinho, "O processo de impeachment..."; M.L. Camargo, J.R. Vieira, "O Impeachment..."

Guatemala (2015), among others, leading to decisions to remove the Head of State from office or the Presidents themselves to resign even before the proceedings were completed. Nowadays, the prevailing view among legal scholars is that impeachment is a definitive and traumatic experience that should only be resorted to in extraordinary circumstances and in the absence of alternative ways of resolving political crises. One cannot help noticing that such crises occur alarmingly often in Latin American countries, what is perhaps best illustrated by the recent Peruvian cases (with two unsuccessful and one successful impeachment attempt over the course of just the last 16 months). In addition to the challenges typical for young, unconsolidated democracies, the causes can be traced to the adoption of inadequate systemic solutions, requiring the use of last resort instruments to resolve political crises.

The Brazilian situation, particularly after the impeachment of 2016, illustrates the scale of the controversy and disputes that accompany the implementation of this measure. Deep social divisions continue to persist in Brazil years after the decision to hold the leader constitutionally accountable. It is also telling that despite 153 impeachment requests demanding President Jair Bolsonaro's removal from office, including a super-motion submitted by a group of leftist political parties and over 400 civil society organizations, with accusations ranging from crimes against public health to verbal attacks on democratic institutions, none of them moved forward.

Despite the legal regulations of the procedure being more precise than in the United States, the 2016 case illustrates that their interpretation raises a number of controversies and objections, dividing both the society and Brazilian legal scholars. The differing positions on the conditions that justify the implementation of the impeachment procedure, the disputes around the definition of constitutional torts, the motives of parliamentarians voting in favor, and the role of the FSC in overseeing the proper course of the procedure intended to guarantee its constitutionality are the most important examples of the reservations arising after 2016. The evaluation of the events of 2016 depends on the understanding of the legislation; some Brazilian constitutionalists have no objections to the implementation of the procedure seven years ago. Nonetheless, for a large group of experts, President Dilma Rousseff was removed by a parliamentary coup.

In Brasília, there have also been regular discussions in recent years on the need for deep reforms that resulted in a number of regulations aiming at adjusting the framework of Brazil's political system, among other things. The changes implemented after 2016 include the adoption of a new electoral law, intended to prevent the situation of over twenty parties entering the Chamber of Deputies, which is expected to increase political stability. Such a reform is undoubtedly needed for Latin America's largest country and the new law limits coalition formation and party fragmentation in state and federal legislatures. The October 2022 elections to the Chamber of Deputies confirmed a moderate effectiveness of the new rules (with 19 coalitions/parties entering the Lower House) s. It is worth mentioning that similar to Fernando Collor, the last presidential election in 2018 was also won by the candidate representing a small and poorly recognized political party who broke off the cooperation with it after a few months in office.

To avoid the fate of Fernando Collor and Dilma Rousseff, President Bolsonaro had to secure backing from minor political parties of the so-called *Centrão* (center). Parties of this informal bloc in Congress lacked a clear ideological profile and political program, yet, offered support to the executive branch in exchange for privileges. The clearly clientelistic arrangement stood in stark contrast with Bolsonaro's electoral campaign promises to end the 'old politics' of give-and-take, nonetheless, assured an effective barrier to protect the Head of State from proceeding with impeachment motions. Perhaps it is Bolsonaro's presidency, marked by numerous scandals, accusations of corruption, human rights violations and misuse of power that is the fullest expression of the intricacies involved in resorting to the impeachment procedure: while impeachment turned out to be an atomic bomb for Collor and Rousseff, in the case of Bolsonaro, it seems more adequate to call it a paper tiger.

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Monika SAWICKA holds a PhD in Political Studies (2018), a MA in Portuguese Philology (2010), and MA in International Relations from the Jagiellonian University. She studied at the Faculdade de Letras at the University of Porto in the 2009-2010 and was a visiting lecturer at the Federal University of Santa Catarina (online classes, 2021). Assistant professor at the Institute of American Studies and Polish Diaspora, JU, since October 2018.