

Democracy and Civil-Military Relations in Brazil

by

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Civil-military relations are one of the pillars of democratic theory and practice. Democratic regimes in which civilian control of the military is weak are generally of low quality because the legitimate representatives of popular sovereignty do not direct the organization that ultimately ensures that the state has the monopoly of the use of force. These representatives often see their decisions vetoed by the military, also running the risk of being toppled from power by the latter. Civil-military relations are also the main institutional component of defense policy and national security (Huntington 1985 [1957]). If these relations are marked by severe imbalances, sharp hostility and lack of cooperation, a country may see its planning and military effectiveness severely compromised. In short, as shown by Feaver (1999), civil-military relations live under the shadow of two tragic poles: the military coup d'état and defeat on the battlefield.

Republican Brazil knows deeply the first pole, but ignores the second. There were many successful coups and failed coup attempts from 1889 on. But since then, the country has only been at war in 1917-1918 and 1942-1945, and even then, as a minor and subordinate actor in the two world wars. That is to say, with the end of World War II, Brazilian civil-military relations began to be structured predominantly around the involvement of the military in domestic politics.¹ The Cold War in Latin America, with its emphasis on the internal enemy, would only aggravate this trend. With the fading of the confrontation between the USA the former Soviet Union in the 1980s, the Brazilian military would also lose that enemy.

Thus, since the end of that decade, Brazil has not faced clear internal and external threats, a situation that reduces the cohesion of the military, making them less capable of collective action and hampering cooperation with civilians (Desch 1999, p.

¹ Rivalry with Argentina was the only relevant external factor in the Brazilian military planning between the end of World War II and the Falklands/Malvinas War in 1982.

16). As stated by Rocha (2011a, p. 26), "The fact that the Armed Forces have not been used in wars for a long time turned them into conservative structures with their own identities and values, which favored that they distinguished from each other and, together, from other state bureaucracies". This is the current structural condition of civil-military relations in the country. One must also consider the political conditions that shape them.

On March 15, 1985, José Sarney was sworn in as the first civilian chief executive in 21 years. Since mid-2003 Brazil has had the longest-lived democratic regime in its history. The previous democratic experience in 1946-1964 was marked out by the frequent intervention of the military in politics by means of plots against governments, pronouncements, uprisings, the vetoing of candidates elected to the positions of president and vice president and, finally, coup attempts, culminating with the one that would put an end to the regime established by the 1946 Constitution and pave the way for 21 years of military hegemony.

The last two decades have not witnessed such extreme acts of praetorianism. Indeed, as argued by D'Araujo and Castro (2001), never in Brazil's republican history have the armed forces conformed so much to the constitutional rules as under the current democratic regime. According to Hunter (1997), the main factor to explain the political taming of the military has been the robust electoral competition that distinguishes the regime started in 1985, a competition that has led politicians to relegate military demands in their budget decisions.

Not everything, however, are flowers in civil-military relations in contemporary Brazil. According to Zaverucha (2005), the armed forces still retain extensive prerogatives and are immune to parliamentary scrutiny. Examples of such prerogatives are the Military Justice (D'Araujo 2010, pp. 205-234), control over many aspects of

publicorder, the autonomy of the Brazilian Intelligence Agency (Zaverucha 2005), the lack of accountability of the military budget (Brustolin 2009), and the huge presence of officers in the administration of the Ministry of Defense created in 1999 (D'Araujo 2010, pp. 107-123). Additionally, military spending is still the third biggest outlay of the federal budget (Zaverucha and Rezende 2009). According to the two authors, given the absence of serious external threats to the country, behind the relatively high military stipend is the political weakness of presidents who, for the sake of governability, are compelled to placate the demands of the armed forces through increases in budgetary allocations to them. In short, due to the large autonomy that the armed forces still enjoy and the power they have together vis-à-vis the executive branch, Brazil is, at best, a semi-democracy (Zaverucha 2005; Zaverucha and Rezende 2009).

All told, optimists and pessimists have set the tone of the academic debate over the place of the armed forces in the new democratic regime initiated in 1985. Yet this debate needs to be constantly updated because civil-military relations have changed very rapidly in recent years.

The main positive changes – towards strengthening civilian control of the military – are three: (1) the creation of the Ministry of Defense in 1999, which since then has been directed by a civilian; (2) the publication of the National Defense Strategy in 2008, currently the most important public document on Brazil's defense policy, drafted by both civilians and the military, complemented in 2003 by the publication of the country's first White Book on National Defense; and the enactment of the New Defense Law in August 2010, which strengthens the role of defense minister in the conduct of defense policy. These changes mean that, in the words of D'Araujo (2010, p. 122-123), "[...] Gradually, the country began defining what it considered the threats it

faced and its defense needs, and thinking about them strategically. These are undoubtedly landmarks in the country's military history and civil-military relations.”

To the three changes listed above may be added, in principle, the approval by Congress of the bill establishing the National Truth Commission in 2011 (in charge of investigating human rights violations during the military regime), and the initial operation of the Commission in 2012. However, the actual effects of the latter on civil-military relations remain to be seen.

On the pessimistic side, four events need to be highlighted: (1) the strenuous resistance offered by the military to the creation of the Ministry of Defense; (2) the humiliating fall of José Viegas Filho, Lula's first defense minister, after a conflict over an apologetic note on the military regime issued by the Army Media Center; (3) the crisis involving air traffic controllers in 2007, during which the behavior of some air-force rank-and-file was openly insubordinate; and (4) the harsh verbal utterances of reserve officers against the National Truth Commission.

After all, what kind of changes has been dominant, positive or negative? How does one judge them and reduce - but never eliminate - the subjective elements of the evaluation? How has the current state of civil-military relations in Brazil been affecting the democratic regime?

To answer those questions, this paper is organized into four sections. Besides the introduction, the next section offers a battery of quantitative indicators of the political power of the military in Brazil since 1945. A third section examines in detail some of the major episodes of military resistance to civilian control between 1990 and 2010. The last section confronts the quantitative indicators with a qualitative assessment of the episodes narrated in the third section, also offering a brief assessment of the evolution of civil-military relations in the last two decades.

The Declining Political Power of the Armed Forces

The purpose of this section is to propose measures to estimate the evolution of the political power of the Brazilian armed forces since 1945. Unsurprisingly, there has been wide variation in this regard not only in Brazil but throughout South America (D'Araujo 2010, pp. 13-68). After all, since the end of WWII, the region was swept by two "democratic waves," one right after the end of the War and another in the late 1970s, in the wake of the Carnations Revolution in Portugal (Huntington 1991). Over nearly two-thirds of a century, the balance of political power between civilians and the military passed, as expected, to tilt favorably to the former, although the balance of competence in defense issues has continued on the side of the latter (Bruneau 2005; Pion-Berlin 2005; 2006; Pion-Berlin and Trinkunas 2007).

According to Pion-Berlin (2005; 2006), the incongruence between the balances is not necessarily a problem, since the typical national security threats facing the countries of the region (in general, drug trafficking, terrorism, insurgency, organized crime, natural disasters) do not require deep knowledge in military affairs on the part of civilians so they politically control the military. In fact, according to Pion-Berlin and Trinkunas (2007), civilian elites in Latin America have been successful in developing "coup-avoidance technologies." However, the consolidation of civilian control over the military demands overcoming what the two authors call "attention deficits" concerning defense matters. The normative prescription resulting from this diagnosis is therefore clear: the balance of competence in defense matters must start to oscillate toward civilians.

But how have the balance of political power and the balance of competence in defense issues swung between civilians and the military in Brazil since the end of World War II?

To answer the question, four traditional measures of the political power of the military will be applied to Brazil, namely, the frequency of military officers in the president's cabinet, military spending as percentage of the federal budget, military spending as percentage of GDP, and the ratio between military personnel and the population of the country. As regards the balance of competence in defense issues, data on civilian graduate programs in strategic and defense studies will be provided.

Regarding the first measure – the frequency of military officers in the president's cabinet –, it was originally proposed by Huntington in his classic *The Soldier and the State*: “For example, an increase in the total number of military men occupying positions of authority in the normally civilian branches of government warrants a conclusion as to an increase in the degree of military influence. The specific type of agency in which the military men are working would lead to conclusions as to the locus of this increased influence: they might all be in the foreign affairs department or they might be scattered generally throughout the government” (Huntington 1985[1957], p. 89).

It is not difficult to calculate the indicator proposed by Huntington for Brazil. The indicator considers the annual percentage of ministers who have been officers, whether they hold typically military posts (Army or Navy Ministry, for example) or not. Actually, this is a measure widely adopted by other authors to assess the political heft of the military in the various political regimes Brazil had (Carvalho 2005; Skidmore 1988; Stepan 1988). However, a caveat is necessary. In the 1946-1964 period, the military were divided into factions (Carvalho 2005, pp. 111-117; Martins Filho 2003).

According to Martins Filho (2003, p. 112), the factions might be labeled “nationalist” and “anti-nationalist.” Factionalized armed forces mean that the political power of the military, as a whole, is lower because their actions lose coherence, since civilian political groups can coopt military factions to conflicting ways. This aspect should be accounted for in the calculations for the 1946-1964 regime. How? In general, the high command of the three forces was quite homogeneous from an ideological point of view, with a strong anticommunist bias. This facilitates gauging the political impact of military ministers, since the latter are almost always general officers. The only exception to the rule that general officers were anticommunist in 1946-1964 was Estillac Leal, War Minister under Getulio Vargas in 1951-1953. Therefore, general Estillac Leal must be removed from the calculations for the years he served as minister of war.

Figure 1 below displays the percentage of military ministers per year in 1946-2010, revealing a striking inter- and intra-regime variation in the political influence of the armed forces. For example, under the regime of the 1946 Constitution, there is a peak of 45% in 1956 and a valley of 23% in 1963. Under the military regime, the maximum was 48% in 1975-1977. At the end of the military regime, the percentage of military ministers is at the same level as found under the presidencies of Dutra and JK. Finally, there is a staggering fall in the political heft of the military from 1995 on, reaching its lowest point in 1946-2010 under President Lula.

[Figure 1 about here]

Figure 2 below shows the evolution military spending as % of the federal budget between 1945 and 2011. The higher the percentage, the greater the domestic political power of the armed forces, as they have more resources available, particularly in competition with other ministries and especially in the absence of interstate conflict, as has been the case since 1945.

[Figure 2 about here]

Confirming the point made by Hunter (1997), there is a drop in military spending over time under both democratic regimes. In the case of the 1946-1964 regime, one must take into account that, in its onset, the decline had more to do with the military demobilization following the end of World War II. In the case of the regime started in 1985, the sharp fall in 1985-1990 is due to the end of the Cold War. Unsurprisingly, military spending increased greatly under the military regime, especially during the “years of lead,” that is, during the conflict between the regime and the leftist forces who had opted for armed struggle between 1968 and 1973. Just like in Figure 1, Figure 2 also indicates that the last two decades are those that witnessed the lowest military budgets since 1945.

Figure 3 below shows the evolution of military spending as a percentage of GDP. This measure has a different curve from that of Figure 2, although the numerator is the same for both. Note that there is a large drop in the share of military spending as % of GDP during the military regime, a phenomenon to which Stepan (1988) has already drawn attention. This was due to the fast growth of GDP in the 1970s, so fast that GDP growth far exceeded the rate of growth of military spending. With the semi-stagnation of the economy in the next decade, military spending as a percentage of GDP started to grow again, displaying a relative stability in the following decades. In any case, the trend of military spending as % of GDP is downward since 1990.

[Figure 3 about here]

Finally, Figure 4 below shows the number of troops per thousand inhabitants per year between 1946 and 2008. This is another classic measure of the political power of the military, based on the extent of its human resources. The bigger the military personnel, the greater the armed forces’ capacity for action. Coincidentally, the deepest

valleys observed in Figure 4 are precisely during the two democratic regimes. Unsurprisingly, during the military regime the number of troops per thousand inhabitants remained relatively high and stable. Finally, the first decade of this century recorded the lowest values within the series analyzed.

[Figure 4 about here]

In summary, the four figures are unanimous in showing a downward trend in the political power of the military under the current democratic regime. With regard to the frequency of military officers in the president's cabinet, military spending as percent of the federal budget and the ratio of military personnel to the population, the last two decades have witnessed the lowest values on the three measures since the end of World War II. If, in the Latin American context, democratization necessarily implies reducing the political power of the military, there is no doubt that this has occurred in Brazil – and on key dimensions.

Once analyzed the balance of political power, let us now evaluate the balance of competence in defense issues or, in other words, diagnose the level of civilian attention deficits regarding defense matters. Two institutions deserve special attention in this regard: the Congress and academia. With respect to the legislative branch, the news are not auspicious. The scholarly literature either highlights legislators' scarce interest in the subject or identifies superficial changes in legislative behavior vis-à-vis the armed forces (Amorim Neto 2010; Castro Santos 2005; Flemes 2005; Homen 2010; Rocha 2011b) . However, note that parliaments, in general, tend to passivity or lack of influence on defense policy. Even the atypically powerful US Congress is less influential on defense policy than on other policy areas (Zegart 1999).

The picture looks better when one evaluates academia. In fact, universities play a key role in the balance of competence in defense issues because, after all, it is up to

them to produce knowledge on the subject, so the executive and legislative branches can have independent information on defense from those provided by the armed forces. If, in the 1950s, Brazil had only one school focused on defense issues, *Escola Superior de Guerra* (War College), completely controlled by the military, in 2010 there were twelve “civilian” academic departments or centers exclusively dedicated to strategic studies and international security (Figueiredo 2010). Here are their acronyms: GAPCon-Universidade Candido Mendes, GHG-Coppe, Lemp-UFRJ, LEM-CPDOC-FGV-RJ, Naippe-USP, NAE-Presidency, SEN-Unicamp, Neerint-UFAC , Neepa-UAS-SEN UFPe, UNB-SEN, and SEN-UFJF. To the list compiled by Figueiredo must be added the INEST-UFF and NERINT-UFRGS.

That soup of acronyms indicates there is a growing intellectual interest in a research area once exclusively dominated by the military and a large potential for reducing the information asymmetry that still marks the relationship between civil society and the armed forces. Note also that since 2005 Brazil has its national Association of Defense Studies (ABED).

In short, Brazil’s current democratic regime has managed substantially to reduce the political power of the military in four crucial dimensions. As regards the balance of competence in defense issues, universities have made remarkable strides in reducing the asymmetry between civilians and the military, but there is still a long way to go.

Military Resistance to Civilian Authority

The measures discussed in the previous section are eminently aggregate. Therefore, they have the virtue of drawing a big picture of the military’s political power for over six decades. But they lack depth. Why?

Presidents may no longer find reasons to appoint military officers to head ministries. The executive branch and the legislature can reduce the military budget, thus prompting the armed forces to downsize their personnel. All this undoubtedly contributes to politically weaken the military. With a smaller presence in decision-making, fewer resources and less staff, any organization becomes less relevant in a political system, be it a party or trade union or the army. However, in the case of the armed forces, they continue to have an asset that no one else has, that is, weapons of war. Furthermore, they can also hold a series of legal prerogatives which gives them influence in important areas, such as law and order and intelligence. Thus, even weakened politically, the military remain a potentially formidable political actor in Brazil in particular and in Latin America in general. Therefore, to assess the place of the armed forces in Brazil's current democratic regime, it is relevant to investigate specific situations that allow us to see how far civilian power goes.

To do that, this section will dissect key episodes that took place under the four presidents Brazil had since the inauguration of Fernando Collor in 1990 until the end of Lula's second term in 2010. Based on the scholarly literature and articles in the press, the analysis will focus on what the main civilian authorities – the President and the Defense Minister – wanted in military affairs and how the armed forces reacted to their demands.

Collor (1990-1992)

Fernando Collor was the first president elected directly by the people since 1960. In March 1990 he was sworn in amidst a severe economic crisis marked by two-digit monthly inflation. With regard to defense policy and his relationship with the armed forces, at the beginning of his term Collor abolished the National Intelligence Service (SNI) and the Military Staff of the Presidency, and deprived the Joint Staff of the Armed

Forces (EMFA) of cabinet rank. However, the president, despite the bold changes he effected early in his term, was forced to tone down his initial impetuosity owing to his political weakness, caused by successive corruption scandals (Zaverucha 2005, p. 59). Moreover, as argued by Alsina Jr. (2006, pp. 65-69), there was no coherent thought regarding the defense sector in the Collor government. Although the above-mentioned agencies were extinguished, many structures typical of the authoritarian period remained unscathed.

Itamar Franco (1992-1994)

Itamar Franco, who had been elected the vice mate of Collor in 1989, became president in October 1992 due to the impeachment of the incumbent. Franco's situation was precarious because, besides not having a party, the country was still in a serious economic crisis. According to Zaverucha (2000, p. 113), the new head of state sought the political cover of the armed forces. The support of the military was maintained throughout his administration, prompting the president to meet the demands of the armed forces, which meant, among other things, a relatively high rate of military officers appointed to cabinet and sub-cabinet positions which civilians would be expected to head (for cabinet positions, see Figure 1 above).

Additionally, it is worth delving into the "Sérgio Macaco" affair. In the 1960s the then captain Sérgio Miranda Ribeiro de Carvalho, an officer of the elite troops of the Brazilian Air Force (FAB), Para-Sar, refused to execute a plan drawn up by Air Force hardliners which aimed at exploding a gas storage plant and assassinating some politicians, events to be attributed to communist guerrilla movements. The officer was jailed for 25 days, expelled from Para-Sar, banned by the Institutional Act No. 5, and punished with retirement by the military junta in 1969. He would later be absolved by

the Supreme Military Court. In 1992 the Federal Supreme Court ruled in favor of the captain on a lawsuit for damages inflicted by the lack of due process at the time of his punishment. Moreover, Captain Sérgio Carvalho was to receive retroactive payment, be promoted to brigadier general, and be entitled to the monthly payment accorded to the rank. The Air Force resistance to the ruling was cast in iron relief by the breach of the court order, reinforced by a message to the Supreme Court on September 17, 1993, stating that promotion to general officer was a presidential prerogative, and referring the decision to President Franco, who postponed any action on it. Sérgio Carvalho died of cancer on February 6, 1994, having been promoted posthumously six days later (Zaverucha 2000, pp. 158-159).

Fernando Henrique Cardoso (1995-2002)

Fernando Henrique Cardoso was the second democratically elected president since 1985. Ten years after the end of military rule, it was expected that Brazil's defense policy would assign a more specific role to the armed forces. The creation of the Ministry of Defense was a campaign promise of Cardoso and would become the flagship of his defense policy. The establishment of the ministry was the result of a bargaining process that had begun in 1995 (Alsina Jr. 2006, p. 126). The process included the drafting of the National Defense Policy, a declaratory document hitherto nonexistent, because during the military period the paper that determined Brazil's military strategy was the National Security Doctrine (Proença Jr. and Diniz 1998).

The administrative structure of the Ministry of Defense was mainly provided by the Joint Staff of the Armed Forces, which had drafted prospective studies on the frequency of defense ministries in 179 countries, of which only 23 had no such agency (Alsina Jr. 2006, p. 104). The monopoly of the military in performing these studies and

delays in the dissemination of their findings to the rest of the executive should be highlighted. No wonder there was a period of paralysis until 1996.

The main source of opposition to the Ministry of Defense was the Navy. The idea prevalent within this force was that, whatever the structure adopted by the new Ministry, the Army would take precedence, and therefore it was not interesting for the Admiralty (Alsina Jr. 2005, p 130). The Army, in turn, sought to avoid that “foreign models” would be imported, and that the Ministry of Defense would be established as a consequence only of international pressure (D’Araujo 2010, pp. 118-119).

Military resistance to the establishment of the Ministry of Defense was mainly through the slowness in appreciating the subject and performing the necessary studies, as well as through the insistence on keeping the prerogatives of formulating the guidelines for the Ministry and of making and implementing defense policy. In addition, a committee composed of the Vice Chiefs of Staff of each Force decided against the creation of Ministry of Defense, a decision ignored by Cardoso (Alsina Jr. 2006, p. 106).

Given Cardoso’s insistence on creating the Ministry of Defense, military resistance began to be eliminated by a number of factors, such as the Army’s desire to control the making of defense policy within the Ministry and the Air Force’s perception that it would be important there to be a civilian minister to represent the demands of the armed forces vis-à-vis the government (Alsina Jr. 2006, pp. 129-132).

Another important episode of the Cardoso presidency had to do with the Bill on Crimes against Civilians. Zaverucha (2005a, p.79) argues that, before Cardoso, it was practically impossible for a military to be tried by an ordinary court because of the breadth of the definition of military crimes enshrined in the Military Penal Code. However, in 1996, due to several problems related to law and order – such as deaths among members of the Landless Movement in Eldorado dos Carajás – as well as the

pressure put by the Organization of American States on Brazil for a position on allegations of negligence of military justice, there began a public debate about military crimes.

Thus, in May 1996 the Senate effected changes to a project on military crimes voted on by the Chamber of Deputies in January. Congress decided that only crimes against civilian lives would be outside the jurisdiction of military courts, while property crimes, abuse of authority, beatings, illegal detention, extortion, kidnapping and misconduct remained outside the remit of civilian courts (Zaverucha 2005a, pp. 81-82).

Military resistance to the bill on military crimes originated in the fact that only the national military would be subject to the law and not the sub-national ones (the military police). Under the new law, members of the armed forces could also be tried by civilian courts if they committed a felony against civilian lives. Thus, Cardoso sent a bill to Congress excluding the national military from that law, so as to quell military resistance (Zaverucha 2005a, p 81). In short, this episode resulted in the maintenance of a military privilege according to which members of the armed forces can be tried by military courts when they commit crimes against civilians.

Luiz Inácio Lula da Silva (2003-2010)

After three unsuccessful attempts, Lula was finally elected president in 2002. Of humble origins and leader of a leftwing party, the PT, his rise to the highest office of the Republic would inevitably be a turning point in Brazil's history. This included civil-military relations, which would go through agonizing moments.

Lula's first defense minister, José Viegas, was a career diplomat. Martins Filho (2010, p. 284) labeled him the "unarmed prophet" owing to his ambitious program of

military reforms and the scant support given him by Lula throughout the crisis that wound up in the fall of the minister in 2004, as will be seen below.

Even before his appointment to the Ministry of Defense, Viegas already had considerable familiarity with military affairs because of his involvement in the drafting of the Treaty of Tlatelolco (Martins Filho 2010, p. 284). However, a diplomat in charge of the Ministry of Defense was bound to generate discontent among the military. The first friction between the minister and the armed forces resulted from demands for wage increase in June 2003. In April 2004 Viegas requested the commanders of the forces not to express their views on wages, claiming to be the only person responsible for the issue (Martins Filho 2010, p. 285). According to this author, Lula chose to abstain in this crisis, letting the minister to bear its brunt single-handedly.

Besides the wage issue, Zaverucha (2005b, p. 113) lists two other items on the Viegas program that unsettled the military: (1) the criticisms leveled at the Army for its lack of commitment to search and find the bodies of missing guerrillas who fought in Araguaia in the late 1960s and early 1970s; and (2) a project of administrative reform which included changes in the command structure and curricular reform of *Escola Superior de Guerra*, which had been the main formulating body of the authoritarian regime's infamous National Security Doctrine. Additionally, Zaverucha (2005b, p. 114) also describes two serious acts of indiscipline committed under Viegas: the appointment of a general to be adviser to the minister who attended ceremonies in uniform, a clear breach of regulations; and the Army's refusal to send the list of possible generals to command the UN peacekeeping mission in Haiti (MINUSTAH).

In October 2004 the Army Media Center issued an apologetic note on the military regime in response to the disclosure of photographs of journalist Vladimir Herzog, who had died in 1975 at the headquarters of the military regime's repression

agencies. Viegas immediately declared the note unacceptable because it was based on the National Security Doctrine's logic. As Lula did not support him on this occasion, Viegas tendered his resignation, which was then accepted by the president.

The crisis of flight controllers in 2007 was the greatest conflict of civil-military relations in the Lula era. Its background was the acute problems in airport infrastructure faced by the country at that time, and the fact that flight safety and countless other aspects of civilian air traffic fell under the jurisdiction of the Air Force, another example of military prerogatives inherited from the authoritarian period (Zaverucha 2000).

A plane crash in September 2006 was the harbinger of that crisis (D'Araujo 2010, p. 167). The investigations that followed the tragedy showed that flight controllers, Air Force troops, had been the culprits. In response, they began to operate slowly and defensively, negatively affecting air traffic in the country (Martins Filho 2010, p. 288). In March 2007, flight controllers stopped working in Brasilia and other cities, disrupting 49 airports at a time when the Defense Minister, Waldir Pires, was in Brasilia and Lula in Washington. Fatefully, Lula appointed Planning Minister Paulo Bernardo to take over negotiations with the strikers, therefore disallowing the Air Force Command to enforce arrests related to military crimes.

According to Martins Filho (2010, p. 289), Lula, who had declared the controllers' demands legitimate, failed to understand that this was not a normal situation of union bargaining, and, moreover, that it was necessary to uphold the constitutional principles of military hierarchy and discipline. No wonder Air Force reserve officers threatened to sue the president for unconstitutional behavior, claiming that the president had not properly exercised his duty as commander-in-chief of the armed forces.

The solution to the crisis came from a U-turn made by Lula, who proceeded to authorize the Commander of the Air Force, Lieutenant Brigadier Juniti Saito, to relieve

and sue the strikers for military crime. Martins Filho (2010, p. 290) highlights the fact that the behavior of then Defense Minister Waldir Pires was irrelevant throughout the crisis, an ominous sign of the Ministry of Defense's institutional weakness.

Another bone of contention that would unsettle civil-military relations under Lula was the creation of the Truth Commission to investigate human rights violations committed under the military regime and the possibility of revising the Amnesty Law. In 2009 Paulo Vannucchi, Minister for Human Rights, launched the III National Plan for Human Rights Project (PNDH III), which proposed, among other things, to create a special committee to repeal the 1979 Amnesty Law. This proposal displeased the military commanders and then Defense Minister Nelson Jobim, who had been appointed in 2007 in the wake of the flight controllers crisis. Jobim and the commanders of the three forces took a joint position on the project: it was an act of revenge against the military by Paulo Vannuchi. Then the four tendered their resignations to President Lula (Estado de São Paulo 2009).

After three days of tension, Lula and Jobim reached a compromise whereby the PNDH III would not be changed but the bills of law to be submitted to Congress would not challenge the armed forces. If need be, the president's legislative coalition would be mobilized to defeat the revanchist character of any legislative bill. The military commanders accepted Jobim as the broker of that agreement, but not without stating that the maintenance of the Amnesty Law was a "point of honor" (Estado de São Paulo 2009). The deadlock was resolved by postponing the decision on the National Truth Commission, and with the acceptance of the military's objections to the possibility of overturning the Amnesty Law, corroborated later by a Supreme Court decision. The Commission, when established, would not be punitive, but in keeping with the Amnesty Act of 1979 (Estado de São Paulo 2010a).

The last significant episode of the Lula presidency originated in serious urban violence episodes related to drug trafficking in Rio de Janeiro. In November 2010 a climate of chaos overcame Brazil's iconic city. In response to growing police repression of the drug trade, drug lords had buses set on fire, and imposed curfews on many areas. The Rio de Janeiro state government, constitutionally in charge of law and order, requested the support of the armed forces, especially the logistical support of the Navy, so that armored vehicles could safely transport security forces to the Complexo do Alemão, the epicenter of crime (Estado de São Paulo 2010b).

In order to request military support in such circumstances, the appropriate legal instrument is Article 142 of the Constitution, which deals with "Law and Order Enforcement." However, resort to Article 12 is subject to negotiations between the military and civilian authorities. While there is no official or public evidence to back up the point, the delay observed in the engagement of the Army – traditionally used in this police function – suggests there was resistance from the generals to accept the "mission" without legal guarantees offered by the national executive. Indeed, the Army complied only after Lula conferred upon it the power of police, which ensured that troops engaged in the operation would not be tried in civilian courts (Folha de São Paulo 2010).²

Conclusion

Do the episodes described above confirm the declining political power of the military revealed by Figures 1-4?

² Note that the "agreement" on the Complexo do Alemão operation, signed between the federal government and the Rio de Janeiro state government, was questionable from a legal standpoint, since the law determines that the state government has to declare its inability to enforce law and order, so that military support may be requested. The Rio de Janeiro state government never declared such inability. In addition, the law establishes that the Army has police power only in the border area (up to 150 km), and that law and order operations must be episodic and time-limited.

In the case of Collor, his start was auspicious, with the elimination of military ministries no longer justified under the new democratic regime. The fading of the reformist momentum in the second part of his short tenure had more to do with the collapse of his legislative support than his weakness vis-à-vis the armed forces. Therefore, one cannot say that Collor was either defeated or cornered by the military.

Franco, head of government without a popular mandate and beset by a stubborn economic crisis, sought political support from the barracks, as presidents used to do in the 1946-1964 regime. The price of this support was the appointment of a relatively high number of general officers to the president's cabinet and a slight increase in military spending as% of GDP (see Figures 1 and 3). There is no doubt, therefore, that Franco was a step back in the democratization of civil-military relations. Additionally, note that the Franco presidency fits well with the Zaverucha and Rezende (2009) hypothesis, which contends that military spending is driven by presidents' governability requirements.

Cardoso managed to create the Ministry of Defense, despite all the resistance and delaying by the military. This was one of the greatest achievements of his presidency and a big step forward in the democratization of civil-military relations and the modernization of the institutional framework of defense policy (D'Araujo 2010, p. 123). Undoubtedly, Cardoso made concessions to the armed forces regarding the Law on Crimes against Civilians. Yet, after all, under Cardoso there was much more advance than retreat as regards the assertion of civilian authority over the military.

The first term of Lula constituted, undoubtedly, a period of political defeat of civilians to the military, epitomized by the humiliating resignation of Defense Minister José Viegas, after he was abandoned by the president in a political conflict with the Army Commander. The beginning of Lula's second term, marked by the crisis of flight

controllers, was also disappointing. However, this crisis was the result more of a wrong political diagnostics on the part of the president than a reassertion of the political power of the military against civilians. Soon after the episode, Lula would recover by appointing the politician who would come to be the most powerful and prestigious defense minister since the creation of the office in 1999, Nelson Jobim. As mentioned in the introduction to this paper, under the leadership of Jobim, the National Defense Strategy was published in 2008, now the country's most relevant defense policy document, drafted jointly by civilians and the military, and the New Defense Law was promulgated (in 2010), solidifying the role of the defense minister in the conduct of military affairs.

It is also true that Lula retreated in the face of military resistance to the creation of the Truth Commission and the possibility of revision of the Amnesty Law. However, there has never been a civilian consensus on both issues, so the retreat should not be considered yet another defeat of the civilian authority by the military.

Lula also gave in to the demands of the Army regarding the law-and-order operation in the Complexo do Alemão, a huge shantytown in Rio de Janeiro. Yet, at the end of the day, the single force that glittered in the eyes of the population and the political elite at that time was the Navy, which did not hesitate to offer armored vehicles to the Rio de Janeiro police, thus ensuring the operation's success. The Army saw its demands met, but also lost prestige. All told, under Lula there were serious setbacks in 2003-2007, but major advancements in 2008-2010, so the latter prevailed over the former.

In sum, a qualitative assessment of the various episodes narrated in the previous section confirms the general trend revealed in Figures 1-4: the political power of the Brazilian armed forces immensely declined since 1985. But the road was certainly

bumpy, with important strategic advances and tactical retreats as regards the democratization of civil-military relations. While there is still a long way to go - especially with regard to the institutionalization of the Ministry of Defense (D'Araujo 2010, pp. 174-175) and civilian control of defense policy -, the barracks are no longer a threat to democracy in Brazil. As argued by Barany (2012, p. 339), consolidated democracies cannot exist without military elites committed to democratic governance. Nothing indicates that the Brazilian military elites are committed to some alternative to democratic governance, despite the episodes of resistance to civilian authority described above.

Finally, note that one of the most frequent civilian demands to the barracks have been calls of law-and-order enforcement operations. In fact, these operations, although enshrined in the Constitution, reaffirm a historical pattern under which the military has been used mainly on domestic issues, which, besides containing a risk to democracy in the long run, weaken the effectiveness of the armed forces regarding its main function, that is, national defense (understood as protection against external threats). So if the civilian elites are really intent upon promoting an ample democratization of civil-military relations, the coming decades should of necessity witness a substantial reduction of those operations and a strong reorientation of defense policy towards missions outside Brazil's national territory.

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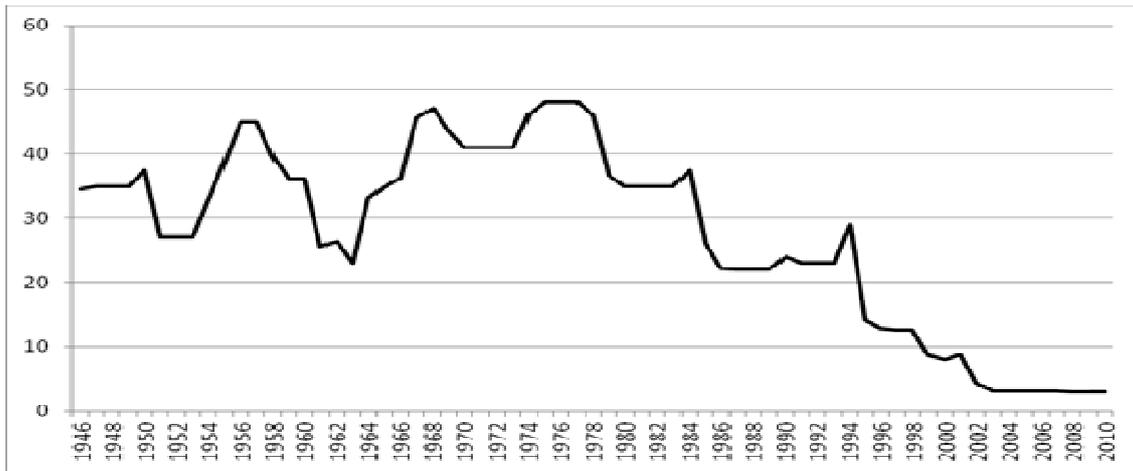
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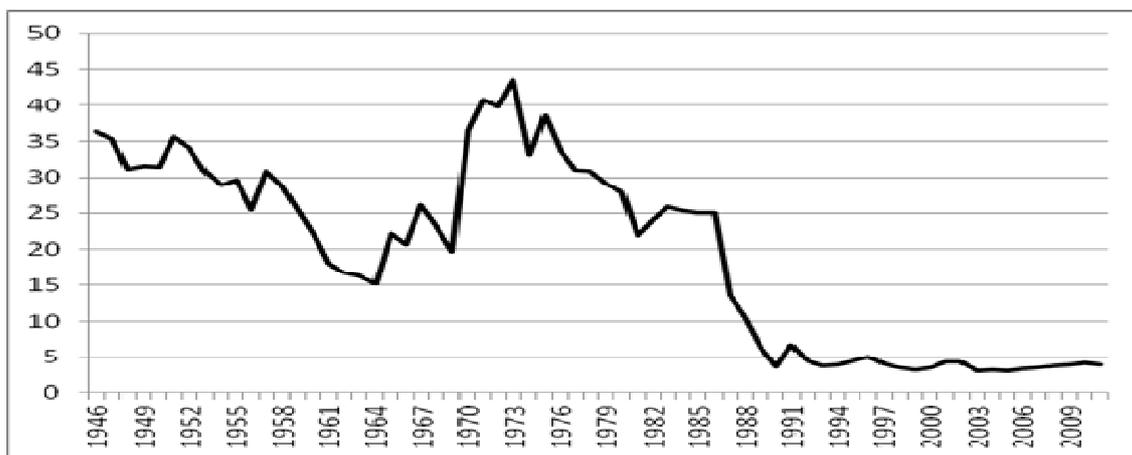
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Figure 1 – Percentage of Military Officers in the President’s Cabinet per year(1946-2010)

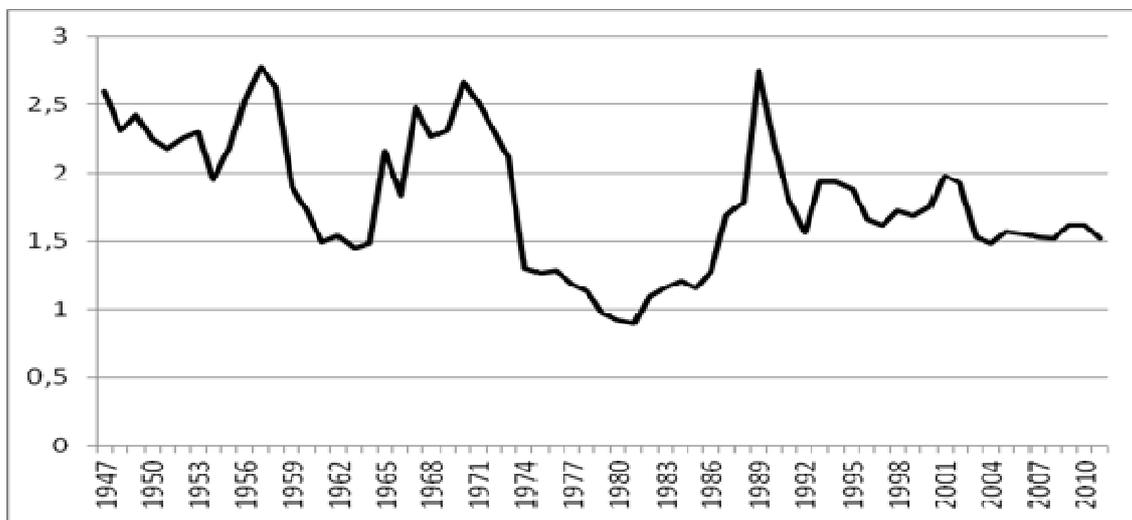


Sources: Abreu *et al* (2001); and www.presidencia.gov.br.

Figure 2 –Military Spending as % of the Federal Budget (1945-2011)

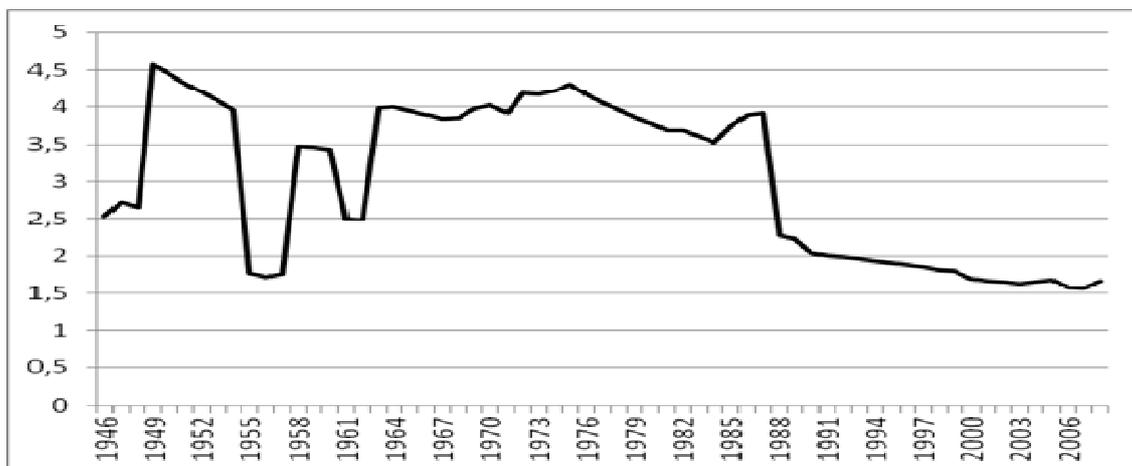


Sources: For the 20th century: Instituto Brasileiro de Geografia e Estatística, *Estatísticas do Século XX*, available at <http://seculoxx.ibge.gov.br/>; For the 21st century: Secretaria do Tesouro Nacional (www.tesouro.fazenda.gov). Note that for the year 2006 data were not available according to the methods adopted for the calculation. Thus, the value for 2006 corresponds to the average between the 2005 and 2007 percentages.

Figure 3 – Military Spending as % of GDP (1947-2011)

Sources: For the 20th century: Instituto Brasileiro de Geografia e Estatística, *Estatísticas do Século XX*, available at <http://seculoxx.ibge.gov.br/>; For the 21st century: Secretaria do Tesouro Nacional (www.tesouro.fazenda.gov). Note that for the year 2006 data were not available according to the methods adopted for the calculation. Thus, the value for 2006 corresponds to the average between the 2005 and 2007 percentages.

Figure 4 –Number of troops per 1.000 inhabitants (1946-2008)



Sources:For the number of troops in 1946-2007: Correlates of War (<http://www.correlatesofwar.org/>);for the number of troops in 2008:Bureau of Arms Control, Verification and Compliance (AVC), *World Military Expenditures and Arms Transfers 2012* (available at<http://www.state.gov/t/avc/rls/rpt/wmeat/2012/index.htm>); for population size: IPEA (available at <http://www.ipeadata.gov.br/>).