

## **Ideology, Power and Land**

### **The search for a critical juncture in the Brazilian regulation of foreign land ownership**

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*“Cujus est solum, ejus est usque ad cælum.”*

He who owns the land owns all the way up to the sky.

Accursius

## List of Acronyms

AGU	Advocacia-Geral da União Attorney General's Office
Apex-Brasil	Agência Brasileira de Promoção de Exportações e Investimentos Brazilian Trade and Investment Promotion Agency
Aprosoja	Associação dos Produtores de Soja e Milho do Estado do Mato Grosso Association of Soybean and Maize Producers of the State of Mato Grosso
BNDE	Banco Nacional de Desenvolvimento Econômico National Bank for Economic Development
BNDES	Banco Nacional de Desenvolvimento Econômico e Social National Bank for Economic and Social Development
CLT	Consolidação das Leis do Trabalho Consolidation of Labor Laws
CNBB	Conferência Nacional dos Bispos do Brasil National Conference of Bishops of Brazil
Contag	Confederação Nacional dos Trabalhadores na Agricultura National Confederation of Agricultural Workers
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
Ibá	Indústria Brasileira de Árvores Brazilian Tree Industry
LGBT	Lesbian, gay, bisexual and transgender
MST	Movimento dos Trabalhadores Rurais Sem Terra Landless Workers' Movement
NGO	Non-governmental organization
Petrobras	Petróleo Brasileiro S.A. Brazilian Petroleum Corporation

PMDB	Partido do Movimento Democrático Brasileiro Brazilian Democratic Movement Party
PSDB	Partido da Social Democracia Brasileira Brazilian Social Democracy Party
PT	Partido dos Trabalhadores Workers' Party

## Abstract

Since the impeachment of President Dilma Rousseff, in 2016, Brazil has experienced series of liberal reforms. A policy that has been in the making for a decade and that has now gained momentum is the deregulation of foreign land ownership. This paper looks at whether these transformations are circumstantial or they constitute a critical juncture, potentially changing the path of institutions for years to come. On this search, this work analyses how two ideas — liberalism and national-developmentalism — were constructed in Brazil and the impact they had in the country's institutions since independence. In search of a critical juncture, the research provides a more nuanced view of well-known interest groups, disaggregating allies and finding incentives for cooperation across groups that are normally rivals.

## Relevance to Development Studies

Brazil is the world's largest net food exporter and the largest economy in the Southern Hemisphere. The global land rush of the early 2000s led the government to halt the possibilities of foreign land acquisitions. As a liberal coalition takes power, the pressures for deregulation increase. The unravelling of this debate can influence the country's international insertion and global food supply for the decades to come. By analysing the role and behaviour of ideas in Brazil, and the way ideologies make and break coalitions, this paper delineates how the country's institutions can shape policy outcomes. When mapping the stakeholders trying to spot the occurrence of a critical juncture, this paper disaggregates a land-owning elite hitherto seen as homogenous, unravelling differences that not only explain their placement at opposing sides of the debate but also breaks ground for future discoveries on further implications of this division.

## Keywords

Critical juncture, foreign land ownership, ideology, coalition presidentialism, Brazil

# 1. Introduction

Ideology, power and land have been intertwined throughout Brazilian history. From the distribution of country-sized plots to Portuguese noblemen in the first decades of colonization to the agrarian conflicts that still challenge the authority of the Brazilian state in the 21st century, land provides an engaging storyline that can guide the understanding of what the country thinks, how it is governed and who controls its resources.

In 1904, Machado de Assis, Brazil's most accomplished writer, told the story of twin brothers who, holding opposing political views, would visit an art gallery, find portraits of Louis XVI and Robespierre, and compete for who would purchase the most high-priced artwork of their respective icon. Both paintings would be destroyed a few days later in one the brother's fights. The history of ideas in Brazil has often been a rich in misapprehensions and disproportionate sacrifices, but it has also chapters of unexpected hindsight and nationwide transformations, shaping the country we know today. Since independence, the ideas that have more directly influenced the Brazilian history and that are still relevant to the country's economy are two: liberalism and national-developmentalism.

The best place to see these two ideas in action, albeit with major compromises, is the Brazilian political system. In a country that only returned to democratic rule three decades ago, ideologies can be an important tool to understand the national power dynamics, but only to a certain extent. Party coalitions follow a number of national, regional, historic and economic constraints and incentives, that often compromise the public's capacity to understand the forces in play. By analyzing the behavior of the power structures in recent decades and the role played by ideology in this scenario, it is possible to have a clearer picture of how Brazilian politics operates in the crossroads of these two forces.

An insightful arena to see these dynamics in action is the regulation of foreign land ownership in the country. For nearly a decade, a legal gridlock has severely diminished the possibilities of these transactions and generated legal uncertainty for farmers and investors. Both sides of the political spectrum recognize that the present situation is not ideal, but the lack of a clear way forward and low political priority has delayed a definite solution. By analyzing the views of a wide range of stakeholders, this research intends to provide a more nuanced interpretation of land politics in Brazil, disaggregating interest groups traditionally perceived as being homogenous.

Any observer who follows the news will acknowledge that these are times of change in Brazilian economic policy. However, this conclusion does not go a long way in understanding the institutional transformations presently taking place, let alone in providing insights into their consequences. By bringing the idea of critical juncture into the analysis and considering its applicability to the country's regulation of foreign land ownership, it is possible not only to see why these transformations might be happening but also whether they might reconfigure Brazilian institutions.

## **2. Research question**

Did the dynamics between liberalism and national-developmentism in the Brazilian political system create a critical juncture in the regulation of foreign land ownership?

### 3. Critical juncture

Affiliated to the tradition of historical institutionalism, the idea of critical junctures proposes what Capoccia and Kelemen (2007:341) describe as “a dual model of institutional development”, in which there are bursts of intense institutional change followed by longer, self-reinforced periods of institutional stability. The importance given to the times of change is due to how they influence the institutions in which they occur, setting directions for the times ahead.

Historic institutionalists, according to Capoccia and Kelemen (2007), consider that critical junctures are the starting points to a number of path-dependent situations. By pitting a policy against one or a number of others, critical junctures see not only the starting point for possibly new institutional strategy but also the rejection of other potentially viable alternatives. Once abandoned alternatives are behind and a new policy is in place, the institution is set on a route that is difficult to alter.

For Collier and Collier (1991), critical junctures do not need to involve a relevant degree of discretion by the decision-makers, arguing for the possibility of a critical juncture in which the presumed choice is ingrained in the antecedent conditions. Nevertheless, one could argue that, if the change is a result of the previous circumstances, it can hardly be a critical juncture, and it could be more clearly understood as an unexpected twist in the normal process of path-dependence.

Critical junctions are usually associated with wider processes of change (Collier and Collier, 1991). These processes can make the institutions more flexible, and less permeable societal control, allowing for powerful actors a greater degree of freedom than what is generally possible (Capoccia and Kelemen, 2007).

The determination of which exact criteria count in defining a transformational period as critical juncture is a key aspect of the research. For a start, in the case of deregulation of foreign land ownership in Brazil, the final decision has not been reached. Therefore, one is forced to focus on the constitutive forces crafting the juncture, on the progress the subject has had so far and on the broader changes in the macroeconomic environment.

Capoccia and Kelemen (2007) propose a formula to assess the criticalness of different junctures, but it requires numerical values for the probability of different outcomes, which can only be defined in the present research with a discouraging level of arbitrariness. Collier and Collier (1991) propose alternative, less ambitious methods to determine whether the label of critical juncture applies to a policy event. However, their proposal has its first criterion the occurrence of “significant change” (Collier and Collier 1991: 30), which can only be assessed after the event is complete. According to other authors, such as Capoccia and Kelemen (2007), this criterion fails to register the cases in which there was a period of institutional adaptability, a possibility of change with consequences for the future of the institution, but in which change was rejected at the policymakers’ discretion.

Sofier (2012:1573) agrees with the idea of a critical juncture as a time of “loosening of constraints”, hence allowing policy-makers to promote an unusual level of divergence with the past. Rather than focusing on the unfolding of the juncture, he tries to understand the loosening part of the process. First, there is a categorization of permissive conditions, that ease the controls on institutional change, and productive conditions, which specifically bring upon change. In a critical juncture, transformations persist even after the opportunity window of permissive conditions is closed. Like Collier and Collier (1991), Sofier (2012) considers that an event is only a critical juncture if change occurs.

Therefore, it is relevant to point out the differences between the different authors regarding the importance of change for the conceptualization of a critical juncture. Capoccia and Kelemen (2007) consider that a critical juncture is a period of institutional flexibility that generates path dependence, regardless of its outcome. While the three other works researched (Collier and Collier, 1991; Sofier, 2012; Hogan and Doyle, 2007) see the existence of change necessary, albeit not sufficient, to the existence of a critical juncture.

For Hogan and Doyle (2007), the need to wait several years, until a transition could be identified as a critical juncture, can compromise the practical use of the diagnosis. The authors propose an insightful alternative, that pursues the incorporation of an *a priori* strategy in the examination of critical junctures. For them, a critical juncture in economic policy is determined by three elements: an economic crisis, an ideological change and a change in economic policy. By differentiating between processes of change which can generate a critical juncture from those that cannot, the model gains a predictive capacity.

Therefore, the model from Hogan and Doyle (2007) is considered a better fit to analyze the changes in the regulation of foreign land ownership in Brazil, as it allows for the examination of a process that is still ongoing. Further along this paper will outline the criteria, according to the guidelines from Hogan and Doyle (2007), which will be used to determine whether Brazil is undergoing a critical juncture in the regulation of foreign land purchase.

## 4. Ideas in the periphery of capitalism

The history of ideas in Brazil, as much in the country's social structure, is shaped by land. According to Schwarz (1973), the colonization process gives rise to three classes of individuals: the landowner, the slave and the so-called *free man*. The relationship between landowners and slaves is relatively straightforward, with the dominance being exercised through force. The bond between landowners and *free men*, however, is subtler. Being an agrarian society, the only way for *free man* to access resources was via landowners. Proprietors monopolized wealth, making *free men* actually rather dependent on their good graces.

While landowners dominated slaves by force, the control of the *free man* was implemented through what Schwarz (1973) calls *favour*. The favour is a benefit that is not earned, but given – and it depends on the goodwill of the benefactor. The concentration of wealth and power dictated that even professional middle classes, that would have enjoyed some independence elsewhere, were dependent on landowners in their everyday political economy. Intellectuals were no different, and the interaction between them and the landowners creates a unique ideological landscape, whose idiosyncrasies remain relevant across Brazilian history.

### 4.1. Liberalism in Brazil

#### 4.1.1. *Origins of liberalism in Brazil*

Achieving its independence less than five decades after the French and American revolutions, the elites in the newly formed country admired the ideals proclaimed in Paris and Philadelphia. In an early example of the paradoxes in Brazilian political and economic life, the country's independence was not declared by local politicians or generals, but by the Portuguese prince-regent. Furthermore, differently from what happened elsewhere in Latin America, independence preserved both monarchy and slavery, the foundations of its political and economic systems (Fausto, 1994).

Upon independence, Brazil still had the centre of its economic life behind the farm gates. Land ownership meant political power only through status and representation, but also by economic wealth. As keen participants of international trade, large farmers were natural champions of the free markets. Global markets offered a chance of profits being extracted from productivity gains, in tone with the values of a rising bourgeoisie in Europe. A liberal defense of free trade and a foremost concern for farmers' financial health were at the forefront of Brazilian internal and domestic policy throughout the 19th century (Fausto, 1994).

In Europe, liberalism attacked feudal privilege by putting forward bourgeois values such as the autonomy of the individual and the universality of law.

Brazilian liberalism, however, had its intellectual genesis on the more personal of relations, the favour. The symbiotic and personalist relationship between landowners and intellectuals contradicted the core values of the ideology the two classes subscribed to. Yet, it was not the main weakness of their cause (Schwarz, 1973).

While were the favours between landowners and intellectuals that granted a prominent role for liberalism in the country, it was the relationship between proprietors and another part of the population, that more clearly showed its limitations. Slavery contradicted the most fundamental pillars of liberalism – liberty and equality – yet, it formed the base of the economic system and ideological scene fronted by the elites who shaped the institutions of imperial Brazil (Schwarz, 1973).

The peripheral role played by Brazil in the global economic and cultural exchanges led the country to import foreign ideas and concepts to whose elaboration it contributed next to nothing. The result is a country permanently trying to come to terms with borrowed ideas, that have little application to explain and understand national life. This structural contradiction is what gives rise to what are called misplaced ideas (*ideias fora do lugar*). The country, however, did not discard the ideologies foreign to its reality but bent them according to local conveniences, making them intertwined with self-interest and indiscernible from it (Schwarz, 1973).

This was reflected not only in ideas themselves, as there were extreme examples of the use of liberalism to defend the practice of slavery, including the 19th century writer and politician José de Alencar (Trindade, 2014), but on the fashioning of the institutional structure of the Brazilian state. The setting up of a civil service and of a judicial system, however built on a foundation of personal relationships, was proclaimed as the purest application of the theories and values of the liberal state (Schwarz, 1973).

#### ***4.1.2. 1822 – 1930: the century of liberal prevalence***

The independence of Brazil was conquered less in the battlefields than in the diplomatic salons. The first priority for the newly-independent country was to be recognized by the European powers. The United Kingdom brokered a deal in which Brazil agreed to compensate Lisbon for the loss of the former colony, writing the first chapter of the Brazilian debt with banks in London. Following this treaty, liberal Brazil renewed its free trade agreement with the British, depriving the new government not only of the possibility of stimulating the creation of local businesses but also of an import tax that was the main source of income for other governments in the region. It was only more than two decades after independence that Brazil regained control of its treasury (Abreu and Lago, 2010).

As sugar lost its prevalence to coffee as the leading source of foreign currency for the country, rural oligarchies still dominated the country's political institutions all through the 19th century. The expansion of coffee plantations presented an investment opportunity for railroad companies. The early waves of urbanization saw the emergence of trams, gas lighting and sewage networks. Gold and diamond mining did not have the scale seen in colonial times, but

still comprised about 10% of the country's exports in 1840. In all of the sectors mentioned, British capital was dominant (Abreu and Lago, 2010).

#### ***4.1.3. Exception to liberal dominance in the 19th century***

As soon as Brazil was free from the commitments in the treaties that secured its independence, the country's finance minister raised import duties on more than 3000 products, under what became known as the *Alves Branco tariff*. More than a mere strategy to raise revenues, the policy had a clear intent on import-substitution, with tariffs for items that were also produced domestically being twice as high as those on goods with no national competitor. This is no interpretation, as Alves Branco himself pointed out, his objective was "Not only to cover the state deficit, but also to protect the capital employed within the country in some manufacturing industry, and to encourage others to seek the same fate" (Fonseca, 2004:230). The tariff was introduced in 1844 and allowed for the formation of some of the country's first industrial enterprises (including the famous business empire from Viscount of Mauá), most of whom were unable to compete once import duties were reduced, in 1857.

## **4.2. Nationalism and national-developmentism**

The 1929 crises saw a nearly 90% drop in the price of coffee, which comprised 70% of the country's exports, with four out five cups of coffee in the world being made from Brazilian beans. Suddenly, the country could no longer afford a liberal trade policy, as hard currency would be insufficient to honour the country's international obligations. The Brazilian Government at the time was controlled by coffee oligarchs, who tried to interfere on prices by buying and burning vast stocks of the product, which was not effective and weakened the grip on power from the coffee growers (Furtado, 1959).

Although the group succeeded in winning the 1930 elections, president-elect Julio Prestes was not able to be sworn in office, as power was taken by President Getúlio Vargas in the Revolution of 1930, breaking the dominance of coffee barons and marking the end of a century of liberalism. In a period collectively known as The Vargas Era (Era Vargas), he would lead the country until the end of World War II, and once again in the 1950s, and was to mark a shift in the country's ideological orientation, being the first president to be associated with the term developmentalism (Fausto, 1994).

As the industrialization process passes in its early milestones, nationally produced articles start to substitute imports in everyday purchases. As domestic demand for local produce proves lasting, it encourages further investment in the industrial sector. For the first time in Brazilian history, the country experiences an economic expansion driven by domestic demand. Rather than being an economy directed to supply commodities to the international markets, there is a "the shift of the dynamic centre of the Brazilian economy" towards the domestic market (Furtado, 1959:277).

#### **4.2.1. Origins of national-developmentalism in Brazil**

Following the conceptualization of Fonseca (2004), there are three defining features of developmentalism: the promotion of industrialization, the defense of pro-growth interventionism and a support for nationalism. Although the three elements could be observed even in colonial times, it is only from the 1930s that they are combined in the creation of policy goals and strategies, with a path to be pursued by the state in route to development.

Ideologically, the basis for developmentalism comes from four different groups. Three of them were already implied in the features above: nationalists, industrialization advocates and pro-growth interventionists. Still, there is a fourth group that is able to hold the other three together, the positivists.

The nationalists saw a change in their allies since the 19th century. In the aftermath of independence, nationalism and liberalism are not opposed. Au contraire, the right to break the ties with Portugal and trade freely with the world was an affirmation of Brazilian self-determination. Nor it, in the turn of the century, necessarily entailed a defense of industrialization. Although there were examples of nationalist policies such as the Alves Branco tariff, there were also the agrarian nationalists, who praised the country's natural resources and agricultural advantages (Fonseca, 2004).

Industrialization advocates had one of its most vocal vehicles in an 1882 manifesto from the *Rio de Janeiro Industrial Association*, accusing liberalism of condemning Brazil to live from its natural resources, with an economy in stagnation. They related industrialization with independence and could foresee the structuralist-like ideas similar to the declining terms of trade. They tended to be the more pragmatic of the groups, accusing liberals of being "men of literature more than of science" (Fonseca, 2004:236).

Another group that challenged conventional wisdom, paving the way for national-developmentalism, were the so-called *paper-moneyists (papelistas)*. They confronted the principle of well-balanced public finance, allowing for credit and public debt in order to finance growth. In 19th century Brazil, the restrictive monetary base was a common complaint among the country's incipient business sector. *Papelistas* advocated for its flexibility, allowing for sufficient money supply in times of growth. On typical developmentalism *avant la lettre*, they proposed that the equilibrium in the balance of payment should not be pursued by the way of restrictive measures, but as a consequence of economic growth (Fonseca, 2004).

In the second half of the 19th century, the prevalence of positivism in Brazilian political life cannot be overstated. It was the leading political force in the army and in the provinces of São Paulo and Rio Grande do Sul. It was behind the overthrow of the Emperor Dom Pedro II, in 1889, giving rise to the republic and having its motto printed on the national flag. Positivists trusted the state capacity to intervene in the economy to solve problems, as in the statization of Rio Grande do Sul railways under Borges de Medeiros, arguably the leading positivist politician in Brazil. Although socially conservative, positivists believed it was the role of the state to help society to achieve progress. Differently from the previous ideas, positivism gave national-developmentalism a *modus operandi*, state intervention, and a sense of purpose, development (Fonseca, 2004).

Therefore, national-developmentalism is more than putting together four ideas that had been gaining ascendency in Brazilian politics for long before its emergence. The combination of the promotion of industrialization, the defense of pro-growth interventionism, a support for nationalism the rise of positivism gives light to what Fonseca (2004) considers a new phenomenon, which often contradicts specific aspects of its constituent ideologies. For three-quarters of a century, following the Revolution of 1930, national-developmentalism would be the dominant force in Brazilian politics and it is still at the centre of the political debate nearly a century later.

#### ***4.2.2. 1930–1990: the century of national-developmentalism prevalence***

After the rise to power of President Vargas, Brazil sees a fundamental shift in the role of the state, in a critical juncture (Soifer, 2012) whose consequences are still present in the 21st century. It is well known that state intervention in the markets did not start with the 1929 crisis, as the liberal governments had been burning coffee stocks to raise prices since the turn of the century. However, the 1930 Revolution innovates by using state power in an attempt to remake the country's economic landscape, by kick-starting the industrialization process and by providing public utilities once offered by the private sector (Fausto, 1994).

##### **4.2.2.1. The state in the early industrialization process (1930 – 1954)**

According to Gremaud et. al (2009), the early national-developmentalistic state action on industrialization can be divided into four roles: driving force, regulator, producer and financier.

As a driving force, the country's economic policy was tailored to favour the buildup of industrial capacity. It acted by the means of discounted exchange rates for the import of capital goods, at the expense of the rates to import consumer articles, and through the protection of the domestic market, via the application of tariffs.

Its role as regulator mediated the conflicts between labour and capital and those between different sectors of capitalists. In the former case, building a protection network appeased the workers without compromising the company's position to reinvest. In the latter, mediating conflicts within the government rather than at the hand of market forces.

The state acted as a producer to stimulate industrialization when in nationalized infrastructures such as railways, water supply and electricity or created others when nonexistent, as with telecommunications. Regarding intermediate goods, a number of public companies were created in mining (*Companhia Vale do Rio Doce*), steel (*Companhia Siderúrgica Nacional*), oil (*Petrobras*) and others.

Raising short-term funds on the market and lending them on the long term to selected businesses, the state played a role as financier of the first stages of Brazilian industrialization. The creation of a development bank (*BNDE*, the

predecessor of modern-day *BNDES*) also channeled funds from the national treasure right into the infant industries.

#### **4.2.2.2. The state in the provision of public services under President Vargas**

National-developmentalistism is commonly associated with the industrialization process. However, their role in the provision of public services provides a more illustrative display of their principles as outlined by Fonseca (2004). The nationalization of electricity and water services, the construction of transport and sanitary infrastructure, the setting up of telecommunication networks and urban cleaning utilities, all played a role that was two-fold: as a precondition for the development of an industrial economy and as a means to improve the quality of life of broader sectors of society (Gremaud et. al, 2009). Collectively, these actions brought together a number of elements peculiar to President Vargas brand of national-developmentalistism: state intervention to correct market failures, nationalization of assets once belonging to foreign capital, actions that stimulated the economy in the long term while also delivering short-term benefits for the workers.

#### **4.2.2.3. Target Plan (1956 – 1960)**

President Juscelino Kubitschek's *Target Plan* (*Plano de Metas*) sets a lighter tone of national-developmentalistism. It preserved a view of the state as the leading force in economic development, pursuing growth using industrialization targets, progressing along the steps of the import substitution process. Differently from Vargas, President Kubitschek's project included among his priorities the attraction of foreign capital, which created new sectors in the country's economy, of which the most symbolic is the auto industry (Fausto, 1994).

The *Target Plan* can be divided in three aspects: state investment in infrastructure, especially transport and energy infrastructure; stimulus for the production of intermediate goods, including steel, cement and zinc; and incentive to the introduction of consumer durables and capital goods industries. Its premise was that Brazilian industrialization had some advanced areas, while others lagged behind, and further advances would need to address these bottlenecks. The apex of the project, bringing all of the targets together, the synthesis-target, was the transfer of the country's capital from Rio de Janeiro to Brasilia, a city to be built from scratch (Gremaud et. al, 2009).

#### **4.2.2.4. Military rule (1964 – 1985)**

Politically, the military regime represented a major shift of power in Brazil, with the complete dismantling of the country's party system and the disaggregation of civil society (Fausto, 1994). However, apart from early isolated initiatives, there was no significant change in the economic model adopted since 1930. Once in power, the military promoted a tax reform that not only increased the state's ability to intervene in the economy, but also provided them with the foundations for doing so with more consistent state

funding (Gremaud et. al, 2009). After the first three years, the generals also quickly abandoned their automatic alignment to the United States and adopted a more pragmatic foreign policy, pursuing a broader range of alliances, as those with other so-called Third World countries and also with nations from the communist bloc (Cervo, 2008).

An example of this arguably balanced approach can be seen in the *Law 5.709*, dating from 1971, that ruled foreign land acquisitions in the country. It proposes a set of rules that do not completely liberalize the purchase by buyers from overseas but establishes an increasing level of controls. The regulations varied depending on the size of the farmland being purchased or rented, and they included a number of different actors to be consulted according to the proposed use for the land (Brasil, 1971).

#### ***4.2.3. Exceptions to national-developmentalism dominance in the 20th century***

Apart from the decades until 1930, on a number of occasions, liberal forces attained power in Brazil in the 20th century. While national-developmentalism was more frequent in authoritarian periods of the country's political life, liberals often reached power by virtue of more democratic means.

The head of state immediately after Getúlio Vargas and his Minister of War during World War II, President Dutra (1946 – 1951) led a government that liberalized the country's trade and currency regimes. He did not deliberately compromise the goal of industrialization and development. However, differently from his predecessor, he relied on the wartime approximation to the United States and the Cold War dynamics, attracting North American capital and companies, to reach that goal (Cervo, 2008).

After 15 years of import substitution under President Vargas, Brazil had accumulated an unprecedented level of foreign reserves. Yet, the exposure to the international market proved excessive for the economy in the first stages of industrialization, nearly depleted the reserves after one year in place. As soon as 1947, Dutra was forced to compromise on the liberalization project, introducing the multiple exchange rates regime in July (Giambiagi et. al, 2005).

Around the time of the Dutra administration, the two ideological fields – liberalism and national-developmentalism – started gaining self-awareness. Political parties would rally around ideas on each of the two sides. As the liberals would favour the association with foreign capitals, agreeing on the handing-out (*entrega*) of natural resources to foreign control, they would be called *entreguistas* (*hand-outers, giving-in-ers*) by their rivals. Although the terminology lost force once the military took power in the 1960s (FGV, 2009), the nationalists *versus* *entreguistas* debate still springs whenever it finds appropriate ground, as that regarding the deregulation of foreign land ownership (Jungmann, 2015).

### **4.3. 1985 – 1994: democracy and alternation**

The resumption of the democratic debate brings criticism to the national-developmental project in vogue. Unreasonably protected markets and excessively stimulated domestic enterprise being blamed for the lack of competitiveness of Brazilian industry and services sectors and for the state's limited investment capability (Cervo, 2008).

The country's economic policy was characterized by nearly annual plans to tackle the persistent problem of inflation. The debate on whether Brazilian inflation at the time was supply or demand-driven generated different mixes of orthodox and heterodox measures tried by a number of different economic teams.

Inflation was finally defeated in 1994, with a sequence of recessive fiscal policy and the later introduction of a new currency. As a consequence of overvalued exchange rates, the flow of cheap imports worked as an anchor, preventing domestic prices to rise. The plan was led by the then finance minister Fernando Henrique Cardoso, who would be elected president following the success of his monetary policy (Giambiagi et. al, 2005).

## 5. Brazilian political system

As much of Latin America at the time, Brazil was under military rule from 1964 to 1985. Most political parties that are presently prominent in the country trace their origins either to this period or to its aftermath. Traditionally, Brazilian political parties are not formed on an exclusively ideological basis, but as a web of intertwined interests, reflecting the country's political, economic, social and cultural diversity (Abranches, 1988).

In 2017, this is reflected in the 25 different parties present at the Câmara dos Deputados, the lower congressional chamber, of which eight have more than 5% of the seats and no party reaches 12% of the 513 members. The upper chamber – much smaller, at 81 seats – is formed by seventeen parties and one independent member, with seven parties reaching 5%, and the largest party concentrating 27% of the seats (Câmara dos Deputados, 2017). With no dominant party, any elected president is forced to build a coalition in Congress. The fragile ideological basis for the parties and the large number of parties involved tend to bring the conflicts on public policy inside the government, rather than necessarily between government and opposition, and make coalitions intrinsically unstable (Limongi, 2007).

This system is called coalition presidentialism (presidencialismo de coalizão), according to the formulation of Abranches (1988). Due to parliamentarian fragmentation, presidents are forced to form coalitions with large numbers of parties in order to obtain necessary majority, which is seldom obtainable within the president's ideological basis, forcing him or her to bring to power parties opposed some points of the government's original agenda. This generates what Abranches (1988:5) calls "the Brazilian institutional dilemma", in which a directly elected president can have a relationship with the National Congress that resembles that of a parliamentary system.

### 5.1. The political parties

A statistical analysis of voting behavior in the National Congress, from 1991 to 2014, carried on by Marino (2014), gives rise to two different categories of parties: ideological and governist. Ideological parties tend to vote according to the same set of principles regardless of whether they are in power or not. Governist parties tend to vote in alignment with the government in power regardless of ideology. It is not that governist parties do not have an ideology, but rather that they are willing to support the ruling party in most of the day-to-day votes that do not oppose their own principles or interests (Limongi, 2007). Since 1995, Brazilian presidential elections have been won by one of the country's two leading ideological parties.

The return of presidential elections, in 1990, saw the gradual consolidation of the two opposing ideological parties in the political arena: the Worker's Party (PT, Partido dos Trabalhadores) and the Brazilian Social Democracy Party (PSDB, Partido da Social Democracia Brasileira). The Worker's Party is a self-described democratic socialist party (PT, 1979), located at the centre-left of the

political spectrum, affiliated to the Latin American structuralist tradition and partisans of national-developmental strategies. The Brazilian Social Democracy Party, beyond the ideology expressed in its name, is located at the centre-right of the country's political spectrum and defends a liberal economic model (PSDB, 2015).

The governist party par excellence, the Brazilian Democratic Movement Party (PMDB, Partido do Movimento Democrático Brasileiro) is the country's largest party in the upper and lower chambers of Congress, in number of state governors, mayors, state representatives and city councillors (PMDB, 2017). Nevertheless, the organization is a loose collection of regional politicians spread throughout the right of the political spectrum. Traditionally the most coveted partner for any working coalition (Limongi, 2007), PMDB has not presented a candidate for the presidential elections since 1994. Instead, it has joined forces with every president elected since then.

## **5.2. The presidencies of Cardoso, Lula, Rousseff and Temer**

President Cardoso's coalition joined parties from the right and centre-right and, therefore, did not present significant conflicts in terms of the national-developmental or liberal development strategy, as the nationalists were not part of the government but of the opposition. In his eight years in power, he privatized a number of state-owned companies and allowed the exchange rate to float according to the markets. His foreign policy followed closer relationship with the United States and was guided by three principles: democracy, monetary stability and economic liberalization (Cervo, 2002). An acclaimed scholar in the sociology of Brazilian development himself, Cardoso (1995:10) described his presidency as “the end of the Vargas Era [...], with its model of autarkic development and its interventionist state”.

His successor, Worker's Party's Luis Inácio Lula da Silva (2003 – 2010), was forced to build a more heterogeneous coalition, as left and centre-left parties alone had not even half of the necessary seats form a government. The result was a much more pragmatic approach, in which parties had little in common and the government included advocates for the landless peasants and leaders of landowners' associations, heads of agribusiness conglomerates and environmentalist campaigners, national-developmentalists and liberals (Singer, 2009). The presence of these different actors under the same leadership did not mean that they reached a consensus on their opposite views, but instead each was responsible for different areas of government. Ministerial positions were distributed according to the power and size of each faction within the coalition and, when conflict occurred, it was usually mediated by the president, who held the coalition together and had the last word (Limongi, 2007).

Therefore, since 2003, the system has undergone a transformation. While previously coalition disputes that had to be arbitrated by the president laid mostly in different regional or sectoral interests, President Lula also had to deal with ideological conflicts opposing the opposing factions of his coalition. His strategy focused on avoiding these confrontations. Primarily, he achieved that by advancing a progressive social agenda to please the left while appeasing

farmers, bankers and industrialists as a result of a combination of publicly subsidized loans and a growing and protected domestic market. Additionally, the government avoided policies and initiatives that could have a divisive effect on the coalition (Singer, 2009).

President Lula's former chief of staff and handpicked successor, President Dilma Rousseff (2011 – 2016), inherited the broad coalition put together by his mentor. Reflecting the more prominent role played by PMDB towards the end of President Lula's government, now the party was directly included in PT's ticket, having one of its long-time figureheads, Michel Temer, running in tandem as vice president. In spite of the ideologically diverse coalition, President Rousseff adopted the most interventionist economic policy of the democratic era, which included the use of public banks to force down interest rates in the banking sector and the increased regulation of utilities' prices. This set of policies put forward by President Rousseff and, less emphatically, by President Lula came to be seen as an updated version of the developmentalist policies from the 20th century, and were thus called neodevelopmentalism (Calixtre and Fagnani, 2017).

Right after the 2014 elections, as the Brazilian economy began displaying signs of entering a crisis, the coalition of national-developmentalists and liberals started showing its fractions. Fueled by the street demonstrations started in 2013, that gradually turned its focus against the Worker's Party (PT) and Dilma Rousseff (Oliveira, 2016), PMDB – the vice president's party and PT's main coalition partner – started to publicly drift apart in 2015 (Fundação Ulysses Guimarães, 2015). Although signals of this shift can be picked up in statistical data from voting records dating from as early as 2012 (Marino, 2014). The result was a coalition breakup, in which not only PMDB but also every right and centre-right party left the coalition. In partnership with right and centre-right parties in the opposition, the forces that left the coalition impeached President Rousseff in 2016 (Maia, 2016).

In the line of succession, she was followed by the vice-president, who then took office as President Michel Temer. His coalition was formed by the forces behind the impeachment of President Rousseff, being comprised of the right and centre-right parties from her cabinet associated with the liberal parties in the former opposition, the new government shows a level of ideological harmony not seen in Brazilian politics since 2002. For the first time in more than a decade, the government was not divided between national-developmentalists and liberals, and there was no need to compromise with the views of those who were left behind.

President Temer promoted a policy shift towards a more market-oriented agenda, as anticipated the manifesto released by his party, PMDB, three months prior to the coalition break up (Fundação Ulysses Guimarães, 2015). While President Rousseff economic policy could be considered interventionist even for the standards of the Brazilian centre-left, a sample of the policies promoted by President Temer includes: privatization of publicly-owned companies, deregulation of the labour market, reduction of the social security system, deregulation of foreign investment, and a 20-year freeze in government spending enshrined in the Brazilian Constitution (Pinheiro Guimarães, 2017).

### 5.3. Coalition metrics

Beyond voting records, Brazilian political scientists have been recently engaged in trying to measure the variables influencing the workings of presidential coalitions. A comprehensive effort was carried out by Bertholini and Pereira (2017), who present three different indicators of governing alliances in Brazil, since 1995, to determine their level of cohesion: the Governing Costs Index, the Ideological Heterogeneity Index and the number of participant parties.

#### 5.3.1. *Governing Costs Index*

The Governing Costs Index is described as an indicator of coalition costs. It tries to measure what is the importance given by the president to the other parties in the coalition apart from his or her own. It encompasses three elements: the number of ministries each president has, the share of the country's gross domestic product allocated to the ministries governed by the coalition parties, and the share of the GDP spent in individual budget amendments proposed by parliamentarians of coalition partners (Bertholini and Pereira, 2017).

In President Cardoso's first term, the coalition costs were measured at 36 points, rising to 59 points in his second term, which is credited to the weakening of the president's popularity, with allies demanding greater incentives for continued support. The fragility of the coalitions formed by the Worker's Party can be seen by the levels of coalition costs in President Lula's first and second terms, 91 and 95 points respectively. President Rousseff first term shows a similar level of 88 points in the index. Interestingly, as her second term coincides with the breakup of the coalition, she no longer focuses the efforts in keeping her former majority together, but rather to retain a one-third minority, which would suffice to keep her in office. In spite of directing resources to the parties closest to her, therefore dropping the coalition costs to 58 points, she fails to hold the minority. Her successor, President Temer, has managed to form a coalition of the lowest cost of the time series, averaging 15 points (Bertholini and Pereira, 2017).

#### 5.3.2. *Ideological Heterogeneity Index*

This index was based on opinion polls regularly applied on members of Congress since 1990. As described before, President Cardoso's had a low level of ideological heterogeneity, scoring 31 points in both his terms. Given the insufficient number of members of Congress in the left and centre-left, President Lula was forced to put together a coalition with higher ideological heterogeneity, scoring 48 points in his first term. As his own party moved towards the centre, the coalition became more homogeneous, scoring 42 points in the second term. President Rousseff first coalition saw a slight rise in the index, to 46 points, arguably reflecting her perceived conflictive control of the parliamentarian base. In her second term, as a number of parties quit the coalition, the heterogeneity level of those that remained drops to 37 points.

Again, President Temer's coalition shows its power, with an unprecedently low ideological heterogeneity index of 27 points (Bertholini and Pereira, 2017).

### ***5.3.3. Number of parties***

Often mentioned as the root of the ideological heterogeneity of Brazilian coalitions by authors like Limongi (2007), the mere number of parties, on its own, is not seen by Bertholini and Pereira (2017) as relevant to explain power dynamics in Brazilian presidential coalitions. President Cardoso averaged 4 and 4.6 parties in his coalitions for first and second terms. President Lula's broad coalition is again noticed in this index with averages of 7.9 and 9.1 parties in each of his terms. President Rousseff coalitions in both her terms were similar sized, at 7.8 and 7.9 parties on average. The authors are not clear on why the second number does not reflect the gradual dwindling of her coalition throughout the second term, which ended up reduced to only three parties (Agência Brasil, 2016; Azevedo, 2016). Challenging the perceptions of coalition sizes, President Temer's coalition reached an all-time high of 10 parties, while remaining the less costly and less heterogeneous in the time series.

## 6. Foreign land ownership

From the first years of the 21st century, there is a so-called *global land rush* in which public and private companies from countries that export capital and import food are acquiring large areas of farmland in Africa, Asia and Latin America (von Braun and Meinzen-Dick, 2009). As the world largest food net food exporter, Brazil has been attracting the attention of international buyers for a number of years buyers (Sauer and Leite, 2012).

Based on a law from 1971, foreign land purchase was regulated, but legal in the country, which led to a concern by the national government with the potential effects of the global land rush in the country. At least since 2004, the Office of the President's Chief of Staff and the Attorney General's Office have been discussing the need for improvement in the regulatory system for foreign land purchase, and the National Congress has been debating a new legislation on the matter since 2007 (Hage et al., 2012).

Since its early stages, the debate on foreign land ownership opposes liberals and national-developmentalists. The former intending to lift restrictions for foreign investors, especially regarding sizes, and the latter seeking to impede the sale to overseas buyers (Sauer and Leite, 2012). While this debate has been going on for a decade, it features ideas that alternated in power and ruled the economic debate in Brazil across the 20th century: with the liberal side favouring a model that seeks the integration of the Brazilian economy to the international markets, while the nationalists pursue a more autonomous development strategy (Giambiagi et al, 2005).

### 6.1. Distinguishing features of land

Land is a resource like no other. It cannot be produced or transported, and it is not consumed through use (Hall, 2013). For Polanyi (2001), together with labour and money, land is a *fictitious commodity*. Although is not created for the market, land is bought and sold in the economy as if it was a product or a service. This brings to light unique features of land as input in the capitalist economy.

For Hall (2013), differently from what can be done with true commodities like coffee or copper, land cannot be followed from point of extraction to point of consumed and thus effectively studied by the means of a commodity chain. Compared to the level of concentration in the global food system – in which a handful of companies can dominate more than half of the market –, there is no one company, or even few dozens of companies, that own any significant share of the world's agricultural land.

Furthermore, the relation that the state has with land (as with labour and money) is fundamentally different from the relations with the economy's true commodities. Not only the state can and generally does dictate what owners are and are not allowed to do with their areas, but land, in the hands of the state, becomes territory. Under that status, land is part of something greater,

which includes a taxation and law, but also flows into the symbolic and gains strategical and geopolitical importance (Hall, 2013).

Although the different natures of public and privative control are seldom discussed, either in the political or academic debates on land acquisitions, insights on its meanings can be inferred in the special concern generated by transactions in which the buyer is a state. The implications of a foreign government, or a publicly-owned company, acquiring land intuitively reach a grey area where is not clear to which extent the buying country will try, and be able to, exercise territorial power over the land acquired (Hall, 2013).

Contrary to what may seem intuitive, Hall (2013) sees the pursuit of land abroad – be it by states, corporations or individuals – not as an expression of liberalism, but as a strategy of avoiding the free markets, by guaranteeing a permanent supply of the natural resources required. Conversely, few markets are as illiberal than that of land, with the majority of countries have some form of restriction form of restriction on foreign ownership and control.

## 6.2. Land and institutions in Brazilian history

Analyzing institutions and development in the Americas since the first years of colonization, Engerman and Sokoloff (2012) show how the natural endowments of the different regions influence the land distribution that can be seen in the present. The tropical climates of most of the continent, and of nearly all of Portuguese-controlled Brazil, favoured cultures like sugarcane, coffee and cotton. These crops allowed for important economies of scale and were easily traded in the global markets, which gave the colonists the reason and the means to exploit them in large plantation structures, with slave labour and concentrated land ownership. That was fundamentally different from the lands in most of North America. In such temperate climates, the viable farming alternatives were grain or ranching, which were not to benefit from economies of scale until the 19th century, resulting in a much more widespread tenure structure in the early stages of colonization

Portuguese occupation of colonial Brazil was more intense in the coastal areas of modern-day's Northeastern and Southeastern regions, where the climate was milder and access to ports easier. It was not until the late 18th century, with findings of gold in Minas Gerais, that the interior started attracting population. The same phenomenon was observed in the late 19th century for the South, with the arrival of European settlers. In Northern Brazil, to a lesser extent, this occurred during the so-called rubber boom, in the turn of the 20th century (Furtado, 2005). In the Central-West Region, this came to be only in the second half of the 20th century, with the construction of Brasilia and the spread of soybean (Fausto, 1994).

The initial land distribution, favoured by natural endowments, was later crystallized by the institutions created by the Iberian colonists and, subsequently, by the local elites. As the economic power was held by only a small number of wealthy individuals, the institutions reflected this landscape, fashioning a system in which the economic opportunities in the colony and in the newly independent country were controlled by those already in power. The concentrated structure of the colonial and post-colonial economies allowed for

small elites to capture the institutions of the newly-formed countries to an extent that was not possible in the Northern US states or in Canada (Engerman and Sokoloff, 2012). This is clear with the distinction between legislations in different parts of the continent.

In the United States, the Homestead Act, from 1862, gave away land in the country's West to settlers, distributing over 110 million hectares, more than 10% of the country's territory, to 1.6 million farmers. The law reinforced the nature of a middle-class society in the North, counteracting the influence of plantation owners in the Southern states, which wanted new land to be explored in large-scale farms operated using slave labour (National Archives, 2016).

In Brazil, the Lei de Terras (Land Tenure Law), of 1850, promoted by coffee barons and the sugar colonels, did the opposite. It certified that land could not be appropriated in any form but by direct purchase, ensuring that former slaves or working-class populations could not have access to land by settling in unclaimed plots. The move accentuated the land concentration in the country and deterred the creation of a rural middle-class in most of Brazil (Fausto, 1994).

### **6.3. Brazilian land dynamics in the 20th century**

The rise of Brazil as an agricultural superpower was another chapter in the country's history of land concentration. The consolidation of large farming enterprises reinforced the historically problematic economic inequality in the country, with larger players incorporating the areas of small farmers with a mix of market forces and agrarian conflict. While foreign capital is now present in the agricultural value chains, it is still mostly concentrated in processing and distribution (Sauer and Leite, 2012).

Since the 1960s, farmers from Southern Brazil, of predominantly Italian and German origins, were given official titles for lands in the country's Central-West Region (Alves, 2005) that were previously used by local populations under a variety of different regimes, with limited control by the state (Oliveira, 2013). The *domestic land grabbing*, as it were, that took place in the Brazilian *cerrado* could not have happened without the global markets growing demand for its skyrocketing production. Nevertheless, it mostly happened without the presence of foreign capitals for land acquisition, as they never played a determinant role in its dynamics. Furthermore, much of the existing investment in Brazilian agriculture takes advantages of financing from public development banks (Sauer and Leite, 2012).

As a result of the particular evolution of Brazilian agrarian geography, the country faces the global land rush in the 21st century on different bases compared to its Asian and African counterparts (Borras et al., 2012). As there

is a robust<sup>1</sup> offer of domestic capital, the original peasants are long displaced, most of the lands available are already held by large capitalist enterprises (Sauer and Leite, 2012), dedicated to the same cash crops that potential buyers aspire to explore, with equivalent levels of technology and the large scale in which foreign investors usually operate (Oliveira, 2016), the foreignization of Brazilian farmland has distinguishing features that set it apart from what happens to other countries in the Global South.

## 6.4. Brazilian agriculture in the 21st century

Agriculture, including all of its value chain, is one of the most important sectors of the Brazilian economy, reaching 23% of the Gross Domestic Product and one in four jobs in the country (CEAE, 2017). The importance of agriculture is even greater for the Brazilian trade balance. In 2016, agribusiness exports reached €75 billion, or 46% of the country's overall exports (MAPA, 2017a).

The volumes of overseas sales of Brazilian agriculture and agro-industry place the country as the second largest agricultural exporter in the world, and first in terms of agricultural trade balance (OECD/FAO, 2015). The land rush generated by the challenges of feeding a world population that is expected to reach 9 billion people by 2050 pursues regions with a concomitant availability of land and water resources. According to Alexandratos and Bruinsma (2012), Brazil is a country with unique possibilities in terms of potential for land expansion and water availability.

Soon, the solid increase in agricultural production and the promise of further growth in the decades to come gave rise to the discourse that Brazil would *feed the world* (FAO, 2009; The Economist, 2010). Together with the 2008 financial crisis, with an optimistic moment for the domestic economy and with the emergence of new international geometries of power, the status of being the global agricultural powerhouse projected Brazil to a place on the world stage it had not enjoyed before (Oliveira, 2016).

## 6.5. Legal status of foreign land ownership in Brazil

The acquisition and lease of rural land by foreign individuals and legal entities in Brazil are ruled by Law 5.709, dating from 1971 (Brasil, 1971). The legislation defines limits and procedures for transactions, creates a registry for lands in foreign property, establishes maximum fractions of each municipality allowed to be controlled by foreigners and protects areas sensitive to national security. The law defines what are foreign and Brazilian companies for

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<sup>1</sup> The Federal Government alone has made available €49 billion for the 2017/2018 harvest. Additionally, farmers can find financing with the private sector, both domestically and internationally (MAPA, 2017b).

the purpose of its rule, mandating that Brazilian companies are those with a majority of Brazilian capital.

In 1995, as part of President Cardoso's liberal reforms, Constitutional Amendment nº. 6 eliminated any legal differentiation between Brazilian company (any company based in Brazil) and Brazilian company with national capital (Brasil, 1995). This change, binding for the federal public administration from 1999 onwards – but already partially anticipated since 1994, as a result of Attorney General's recommendation AGU/LA-04/94 (Brasil, 1994) – made any company registered in Brazil immune to Law 5.709/71, regardless of the nationality of its capital or of its controlling shareholders. The practical effect was the liberalization of land acquisitions with foreign capital in Brazil, which even included a dispense in registration.

In 2008, as a reaction to the global land rush, the federal government, by the agency of the Attorney General's Office, resumes the original interpretation of Law 5.709/71, which considered foreign, for effects of land acquisition, any company controlled by foreigners. The officer bases his decision on the question of sovereignty, since the purchase of large national agricultural areas by foreign companies or governments are perceived to endanger territorial control by the state (Brasil, 2008). Two years later, the recommendation was approved by President Lula and was then binding for the entire federal level public administration. In 2010, after 16 years of interruption, the registration of foreign acquisition is once again mandatory.

The initiative, which had the intention of merely restricting the purchase of land by foreigners, ended up halting transactions altogether. Problems such as the lack of registration for lands acquired by foreigners between 1994 and 2010 have made new transactions impracticable within the existing legal framework. As the country lacks a registry of all the foreign-owned land in its territory, it is impossible to certify that new purchases respect the maximum fractions of each municipality which foreign individuals or organizations are allowed to control (Hage et al., 2012).

As of 2017, it is not possible for a foreign company or individual to legally buy agricultural land in Brazil. Using a variety of legal loopholes, operated by specialized law practices, a small number of deals have been taking place in the country in spite of the ban, but nothing compared with what a liberalization could trigger (Sauer and Leite, 2012).

## 6.6. Bill 4.059/2012

At least since 2004, the Office of the President's Chief of Staff and the Attorney General's Office have been discussing the need for improvement in the regulatory system for foreign land purchase and the National Congress has been debating a new legislation on the matter since 2007 (Hage et al., 2012).

Throughout the years, a number of bills were drafted by members of different ideological colours trying to regulate the subject. For some time, a few of them progressed in parallel, reflecting the fragmented nature of the debate at that point. As President Rousseff's coalition weakened, its liberal members sided

with the opposition around Bill 4.059, becoming the single bill on the issue since 2015 (Câmara dos Deputados, [no date]).

Since President Temer's rise to power, the debate on foreign land ownership regained momentum, as the new coalition is formed only by liberal parties and there is no longer need to appease national-developmentalist interests. As part of its liberalization agenda, the new government is backing Bill 4.059/2012. Some ministers, however, had previously considered ruling the issue using a provisional measure, a law issued directly by the president, with immediate effects. The strategy was discarded as it would gain in speed, but loose in legal security, as provisional measures are more easily overturned (Zaia, 2017).

Bill 40.59/2012 covers a number of points which are agreed upon by both sides of the debates. It exempts regulation lands inherited by foreign heirs of Brazilian estates. It forbids foreign states, sovereign wealth funds and NGOs to acquire land. It allows Brazilian farmers to offer land as a collateral to foreign banks, which then have one year to sell it on. It allows individuals and organizations to purchase moderate amounts of land without being subject to regulation (Câmara dos Deputados, 2012).

One other aspect, however, renders next to useless the whole regulatory framework created by the law. The bill considers to be a Brazilian company, and therefore exempt from regulation, any company located in the country, regardless of being controlled or owned, directly or indirectly, by foreign companies or individuals (Câmara dos Deputados, 2012). This clause allows any company registered in the country to freely buy land, with no other restrictions than those that could apply to a Brazilian individual and to a Brazilian-owned company.

## 7. Positioning of the stakeholders

Although the foreign ownership of land seldom makes headlines in the Brazilian press, a number of stakeholders have managed to voice their positions on the subject. However, disadvantaged groups, including indigenous peoples and family farmers, have a significantly weaker influence compared to those of large-scale farmers.

Presidents, ministers and the civil society mainly shared their views through the press. Specialists on anything from geography to national defense take the opportunities available on congressional hearings. Members of the National Congress, in addition to all the previous means, had an opportunity to discuss the matter on a preliminary vote of Bill 4.059/2012, with the participation of party leaders only, in which it was possible to outline where each party stood on the matter.

### 7.1. Pro liberalization

The new government broadly supports the liberalization, starting from President Temer himself (Redação RBA, 2017; Paraguassu, 2016). His two closest allies minister Eliseu Padilha, the Chief of Staff of the Presidency, and minister Moreira Franco, the Secretary-General of the Presidency, have also publicly defended the bill (Zaia, 2017). According to the press, minister Padilha not only supports the initiative but also actively works in building a majority for its approval (Redação RBA, 2017).

More than anyone in President Temer's inner circle, the Minister of Finance, Henrique Meirelles, is an active advocate for liberalization. A former global president of BankBoston and of the Brazilian Central Bank, he defends the bill on the grounds that it attracts foreign investment "Brazil needs growth and investment. Agribusiness was the fastest growing area in January. We have to invest, generate more jobs" (Oliveira and Fariello, 2017: no page) and increase "the overall productivity of the economy" (Batista, 2017: no page). On separate occasions, minister Meirelles stated that transactions would be liberalized within the subsequent month (Fellet, 2017; Valor Econômico, 2017), which did not materialize.

In the National Congress, also a number of actors voiced their support for liberalization. Rodrigo Maia, President of the Chamber of Deputies and first in the presidential line of succession, favours the idea: "I do not see any problem in foreigners buying [land in Brazil], as long as there are rules [so] that it does not interfere with Brazilian sovereignty" (Benites, 2016: no page). Furthermore, he nominated a notorious defendant for liberalization as the bill's overseer (Nossa, 2016).

Maia's choice was deputy Newton Cardoso Júnior, the offspring of a traditional land-owning family. His father, a former politician whose name was mentioned in the Panama Papers, is reported to own more than one hundred farms. When asked, he revealed no intention of consulting organizations of rural workers or any representative of Brazilian indigenous peoples (Nossa,

2016). Cardoso Júnior argues liberalization can attract, in an unspecified short term, investments of the equivalent of 26 billion euros. Originally defending a limit of 100,000 hectares for acquisition, with additional 100,000 hectares for lease, he occasionally decided to eliminate the limits in area. “Agriculture is free”, he argues (Gazeta do Povo, 2017: no page).

On congressional records for preliminary votes on the bill, several party leaders of the governing coalition already voiced support for the idea. Holding 40 seats in the Chamber of Deputies, the Party of the Republic defends the project on the basis that “There is plenty of room to grow in agriculture” (Nishimori, 2015:1). With seven seats, the Green Party voted positively claiming there is no restriction on foreign land purchase in the United States (Gussi, 2015:1). The Democrats have 29 seats and advocates for liberalization saying that “what holds the country’s GDP is agriculture” (Maia, 2015:1). The party of former President Fernando Henrique Cardoso and traditionally the leader in the country’s centre-right, the Brazilian Social Democracy Party has 51 seats and declared that the country’s assets are already often under foreign control, so “there can be no demagoguery” (Leitao, 2015:1).

Other active voices in defense of liberalization include deputy Marcos Montes, the President of the Farming Parliamentary Front (Zaia, 2017), also known as the rural caucus, a loosely tied but powerful force in defense of landowners in all levels of the country’s political system (Costa, 2012). Another vocal defender of large farming who speaks on behalf of the rural caucus is deputy Luiz Carlos Heize, who allegedly negotiated his support for President Rousseff impeachment in exchange for the liberalization of foreign land ownership. He believes that "Brazil does not have enough capital to invest in this sector, which takes 20 or 30 years to pay off" (Fellet, 2017: no page).

Additionally, two former ministers of agriculture also spoke somewhat favourably of liberalization in their time in office. Minister for both presidents Lula and Rousseff, Wagner Rossi was more persuaded by liberal propositions, arguing that “We need strategic investment in agribusiness” (Salomon, 2011a: no page). Possibly the most loyal ally of President Rousseff outside of the left, the then-senator and president of the Brazilian Confederation of Agriculture and Livestock, Katia Abreu claimed: “My guru is Margaret Thatcher” (O Globo, 2013: no page). Nevertheless, once in President Rousseff’s cabinet, she adopted a more nuanced perspective:

We need to find a way through which [foreign] investment in Brazilian land is allowed. Not so that it may be as in the past, but that it may not be forbidden altogether. (Edgerton, 2015: no page)

A number of industry associations also work towards liberalization. One of the most engaged institutions is the Brazilian Rural Society, an organization founded in 1919 by wealthy coffee barons from São Paulo that throughout the years widened its scope and presently congregates the long-established landowners’ dynasties in a number of agricultural sectors (Globo Rural, 2017; Toledo, 2017). According to its president, Marcelo Vieira, liberalization “can add value to our assets” (Caetano, 2017: no page), welcoming the possible price rise brought by an eventual demand shock.

Elizabeth Carvalhaes, President of Ibá (Brazilian Tree Industry), an association of large players in the sector of planted forests also favours liberalization, “but it's no use in hurrying the vote. We do not want there to be any limits in area”, she said (Zaia, 2017: no page). Nestor Hein, legal director at the traditionally influent Agricultural Federation of the State of Rio Grande do Sul, compares Brazil with two competitors: “Brazil excessively limits the purchase of land by foreigners. Meanwhile, there are Brazilians investing in Argentina, Australia and other countries” (Copetti, 2017: no page).

## 7.2. Against liberalization

Inasmuch as it was the case on the pro-liberalization front, those against it oppose it to different extents and for a number of different reasons. Political parties on the left, family farmers, nationalists, academics, non-governmental organizations, social movements and the Catholic church have all manifested discontent with the purposed liberalization of foreign land ownership in Brazil.

Although she never spoke publicly on the issue, President Rousseff was reportedly against liberalization (Braga, 2013). She is believed to have warned her agriculture minister that she would veto any bill that failed to establish limits on the size of the plots eligible for transactions (O Sul, 2015). Once she was impeached, O Estado de S. Paulo, one of the country's leading newspapers, declared: “The sale of agricultural land to foreign investors, a subject considered out of the question under President Dilma Rousseff, is again being discussed in the government” (Scaramuzzo, 2016: no page).

Her predecessor, President Lula, also opposed liberalization, in his trademark non-confrontational fashion. In the weeks after approving Attorney General's recommendation and effectively halting foreign land purchase in Brazil, he said:

One thing is [for the foreigner] to buy [agro industrial] plants, another is buying the land for the crops, land where there is iron ore. This is something we will have to discuss in order to know how we are going to do, so as not to allow the purchase of land by foreigners. (Correio 24 Horas, 2010: no page)

and added, “We cannot allow for that there is abuse in the purchase of land from our territory, especially by foreigners. [or] soon we will have a diminished territory” (Andrade, 2010: no page).

The Worker's Party, from presidents Lula and Rousseff, now in opposition, remains one of the leading voices against liberalization in the National Congress. For deputy Paulo Pimenta, “this government is provisional and should not take initiative to deal with structural and permanent issues for the country” (Porto, 2016: no page). For Carlos Zarattini, the party's leader in the Chamber of Deputies, “What attracts landowners is speculating on the value of land. Obviously, coming foreign interest, the price of land will increase”, and added: “the country loses autonomy in food production” (PT na Câmara, 2017: no page). Beto Fato, the author of an alternative, more restrictive version of the bill, defends his project: “Our proposal safeguards Brazilian interests and

national sovereignty by creating clear rules for this type of transaction and also regulates the land purchase cases that occurred in the past" (PT na Câmara, 2017: no page). In the Federal Senate, the party follows the same lines: "It is an affront to national interest", said Senator Jorge Viana (Senado Federal, 2017: no page).

Beyond the Worker's Party, other forces oppose liberalization in the National Congress. Deputy Heitor Schuch is the president of the Family Farming Parliamentarian Front. He argues that "Speaking of selling land to foreigners means increasing the price of land. Land means national sovereignty and it is the last asset that the country should sell" (Cortês, 2016: no page). Deputy Alessandro Molon, an environmentalist, said in a preliminary vote on the bill:

Rich countries are buying land in Africa and Latin America. This is the case with China, for example. Control over land that has water sources, land that produces food, lands that hold biodiversity is a strategic issue for Brazil. (Molon, 2015:1)

President of the newly-formed National Sovereignty Parliamentarian Front, senator Roberto Requião<sup>2</sup>, declared: "I feel horror and indignation at the project of selling Brazilian lands to strangers. I'm Brazilian and nationalist" and added "Lands for foreigners, end of CLT [labour regulations], privatized health and education, handout of oil. Wake up nationalist and solidary Brazil!" (Brasil 247, 2017: no page).

Present-day Minister of Defense under President Temer and Minister for Agrarian Reform under President Cardoso, deputy Raul Jungmann spoke against liberalization – reclaiming terminology from the *nationalistas versus entreguistas* debates from the 1940s and 1950s – as a party leader, on the bill's preliminary voting in 2015:

This is a denationalizing, *entreguista* project that threatens national sovereignty. Therefore, we will be alienating national territory, we will be giving up national sovereignty. [...] This project would have to pass through the Committee on Foreign Relations and National Defense, because I am absolutely convinced that the Armed Forces of this country, that the Defense of this country would never agree to hand out national territory. This project is *entreguista*, it is *unnationalist*, it is anti-national. (Jungmann, 2015:1)

In March 2017, Captain of Sea and War Paulo Cezar Brandão, Ministry of Defense's Advisor for Strategic Policy said liberalization "removes from the State the prerogative of monitoring and controlling indirect land acquisitions by foreigners" (Fellet, 2016: no page). Without naming its sources, website Brasil de Fato (2017) claims liberalization brings apprehension to the Armed Forces, especially regarding potential foreign control of border areas. General Eduardo Villas Bôas, the Commander of the Brazilian Army, declared being

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<sup>2</sup> The author of this paper is not related to Senator Roberto Requião.

against the sale of lands in the border areas to foreign individuals or organizations but declined to voice an opinion regarding other aspects of the bill (Vieira, 2017).

Many in civil society have also opposed to the bill. Elisa Pinheiro de Freitas, a geography professor at the Federal University of Mato Grosso do Sul, believes that the liberalization can reduce the space available for family farming and push livestock towards the Amazon, causing deforestation (Fellet, 2017). Speaking on behalf of the Order of Attorneys of Brazil, Ricardo Prestes defends a less radical approach than what is presently proposed, neither barring nor fully liberalizing transactions (Copetti, 2017).

Darci Frigo, from Terra de Direitos (Land of Rights), a land reform NGO, defends that "It does not make sense to open the market for foreigners while denying land to Brazilians" (Nossa, 2016: no page). Another NGO, the Socioenvironmental Institute, considers the bill a setback and expresses concern over the impact of liberalization on the indigenous peoples (Toledo, 2017). No statements from the indigenous peoples themselves were found related to the question.

Social movements have also been vocal against liberalization. Alberto Ercílio Broch, President of the National Confederation of Agricultural Workers (Contag), considers that "If this liberalization happens, the possibility of an agrarian reform ends" and that "This will further expand the concentration of land ownership in Brazil" (Caetano, 2017: no page). The Landless Workers' Movement (MST) is also against selling to foreigners assets they would like to see being used for land reforms. Alexandre Conceição, a national coordinator, suggests an unusual alliance between "the Armed Forces and social movements to defend the national territory" and prevent Brazil from being "handed over to foreigners" (Fellet, 2017: no page).

The influential National Conference of Brazilian Bishops (CNBB) weighed in on the issue stating that "land is not merchandise, but an intergenerational good of multiple uses and with a clear social function" (Souza, 2016: no page), and also defended that liberalization threatens "traditional communities – such as indigenous peoples and *quilombolas*<sup>3</sup> – and national sovereignty" (Souza, 2016: no page). Connected to the progressive Latin American Catholic tradition of liberation theology, the Pastoral Land Commission said that the bill's overseer is not "concerned about current problems in the countryside, such as the pressure faced by indigenous peoples, riverside communities and squatters, which tends to increase" (Nossa, 2016: no page) and that liberalization will "increase the number of deaths especially in Amazonian mineral regions" (Nossa, 2016: no page).

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<sup>3</sup> *Quilombolas* are inhabitants of former *quilombos*, settlements founded by individuals who escaped slavery in colonial and imperial Brazil.

### 7.3. Other positions

Apart from those who either backed or attacked the bill, there are two actors with more nuanced positions. The careful analysis of their statements, followed by the mapping of their incentives, can be key to understand the power dynamics behind the possible liberalization of foreign land purchase in Brazil.

President Temer's choice for Minister of Agriculture was senator Blairo Maggi. Known by the alias of The King of Soy, he was once the largest soybean farmer in the world. Son of a former logger from southern Brazil who migrated to the state of Mato Grosso following the expansion of the agricultural frontier in the 1970s, Blairo Maggi inherited sizeable agribusiness enterprise, which he continues to expand (Castro, 2017).

His stance on the liberalization of foreign land ownership is unique, and noticeably dissonant from those of President Temer and his fellow cabinet members. Furthermore, his publicly voiced opinions are also different from most of the members of Congress behind large scale-farming, a group to which he belongs and with whom he normally concurs (Caetano, 2017).

Minister Maggi claims to be in favour of liberalization, mentioning the present-day impossibility of Brazilian farms using land as collateral when being funded by banks from overseas (Toledo, 2017), which increases the cost of money in a country with traditionally high interest rates. However, he poses a decisive objection:

Lands for the use of perennial crops, I do not see any problem: sugarcane, orange, coffee, forest, cellulose. But I do not think it is right for grain farming, like maize and soybeans. If [the price for] paper pulp is bad, the industry will continue because the wood is there. They cannot stop. It is a crop that takes seven to eight years to implement. In grain, for example, it is very fast. In three months, or six months, you plant and reap a harvest. Let's say, today, the price is bad. I will not produce. Have you thought the chaos that is in the nation? Freights, companies, services, everything stops. (Oliveira and Fariello, 2017: no page)

Summing up, minister Maggi defends liberalization, but only for certain sectors. It does not take a thorough cross-checking to realize that he is in favour of liberalization, bar the sectors in which his businesses operate. According to Callegari (2017), his restriction is explained by the competition foreign buyers would bring to Brazilian enterprises when buying land.

On a non-confrontational fashion, when asked, Maggi replied: "My position remains the same, but it has been defeated" (Caetano, 2017: no page). Nevertheless, he repeatedly voices diametrically opposed views from his fellow cabinet members, such as Finance Minister Henrique Meirelles, who time and again stated that the bill would pass in the forthcoming weeks. On a dissonant note, Maggi recently said: "This really was one of our priorities for this year, but in the current scenario, of course, it will have to wait" (Copetti, 2017: no page).

On minister Blairo Maggi's side, the only vocal actor is part of the same value chain. The known by its Portuguese acronym, Aprosoja, backs the same restrictions on foreign ownership of grain farmland (Fallet, 2017).

The organization is formed by farmers with life stories similar to that of Blairo Maggi, coming from Italian and German families who were settled in southern Brazil in the 19th century, moved to the Centre-West with the expansion of the agricultural frontier from the 1970s and expanded throughout the *cerrado*, acquiring land for more than four decades (Alves, 2005). Like the Maggi family, the members of Aprosoja are, as if it were, the *success stories, self-made men* of Brazilian agribusiness (Regis, 2017). Under these bases, is not a leap of the imagination to assume that the members of Aprosoja would also stand to lose were they forced to compete with foreign demand for the incorporation of new land, as Callegari (2017) considers to be the case for Blairo Maggi.

## 8. Liberalization of foreign land ownership as a critical juncture

As the coalition between liberals and national-developmentalists – put together by President Lula and inherited by President Rousseff – broke up in 2015, former Vice-president Michel Temer formed a new, liberal coalition. Although there is little question on whether President Temer carries on a distinct economic policy from those of his predecessors, and that the deregulation of foreign land ownership is part of that change, this does not per se make it a critical juncture. Following the model presented by Hogan and Doyle (2007), three elements can suggest the existence of a critical juncture: (a) a crisis, (b) an ideological change and (c) a change in economic policy. Each of these criteria can be broken down into a number of questions proposed by the authors (Hogan and Doyle, 2007:888, 893, 894):

- a. The identification of an economic crisis
  - i. Were the economic indicators at decade-long lows?
  - ii. Was annual inflation greater than 10 percent?
  - iii. Was GDP growth stagnant or negative?
  - iv. Did the public regard the economy in crisis?
  - v. Did the media regard the economy in crisis?
  - vi. Did economic and political commentators regard the economy in crisis?
  - vii. Did the Central Bank regard the economy in crisis?
  - viii. Did domestic or international organizations regard the economy in crisis?
  - ix. Did elected representatives regard the economy to be in crisis?
  - x. Were the government pronouncements on the economy consistent with a crisis management strategy?
- b. The identification of ideological change
  - i. A clear change agent (political entrepreneur) to inject new ideas into the policy arena is apparent.
  - ii. Opposition parties critique current model and propose alternative economic ideas.
  - iii. Civil society organizations critique current model, reflecting Hall's coalition-centered approach.
  - iv. A clear set of alternative economic ideas are evident.
  - v. Widespread public dissatisfaction with current paradigm is observable through opinion polls, protests, etc.

- vi. External or international organizations critique current model or active disseminate alternative economic ideas.
- vii. Media question efficacy of current economic model or specific policy areas.

c. The identification of change in government economic policy

- i. Economic policy instrument settings changed.
- ii. The instruments of economic policy changed.
- iii. The hierarchy of goals behind economic policy changed.

## 8.1. Applicability of the model

A few of the questions were edited to exclude details not relevant to the present case, but, as outlined above, they follow the model proposed by Hogan and Doyle (2007). As the change of government in Brazil was achieved not as a result of elections, but following the breakup of a coalition, often questions are better insightful to the present research if not only directed to changes in the political arena as a whole, but also to those within the realm of the coalition in power.

Beyond the big picture of economic policy, the model can be used to analyze specific policies. In this work, the questions will be pointing their focus at the regulation of foreign land ownership. Although not outlining an adaptation strategy, Hogan and Doyle (2007) stimulate researchers to promote modifications and use their method narrower contexts. Moreover, the fundamental idea in their paper lays on having developed a technique for using the best information available to learn as much as possible of a new phenomenon – which is the same idea that rests behind pointing the questions to the policy in study.

The greatest need for adaptation is on the item “a. The identification of an economic crisis”. Arguably, one could defend that an economic crisis is – and it was indeed – also a necessary starting point for the debate on foreign land ownership. However, that is to miss the point on what is the role of the crisis in a model on economic policy, which is of being the event that invites or eventually forces the review of the current policy. In the search for critical junctures, a crisis is an event that indicates that the current policy is no longer a viable strategy to reach the intended policy goals, with or without a new ideological background (Hogan and Doyle, 2007).

Therefore, in the present analysis, the crisis is not an economic decline, but the failure of the current legal framework to provide a definitive solution for the regulation of foreign land ownership. Instead, halting all transactions involving foreign buyers, in a makeshift solution that has already been in place for seven years.

Although an economic crisis is not the appropriate starting point for the debate on whether the change in policy regarding the regulation of foreign land

ownership lays at a critical juncture, an analysis of the equivalent crisis – which would be an analysis of what makes the current legal system unable to regulate foreign land ownership in Brazil – is not feasible using the model from Hogan and Doyle (2007). The subject rests more directly in law than in economics, and the questions would need to be completely reinvented in an attempt to address the relations that it covers. Therefore, the strategy of this research will be to discuss how the present legal gridlock may or may not constitute the equivalent of a crisis in the respective section, rather than try to fit the questions around it.

Beyond the challenging item a, items b and c seem relatively straightforward. The questions examining ideology in general can be used to assess the views of the different actors regarding the policy in particular. More trivially, the questions regarding the government's operations in economic policy are now useful to measure the actions taken within the broader context of the policy. As before, follow the script proposed by Hogan and Doyle (2007), but also still allow for an adjustment of the scope in order to occasionally divert the focus, from the whole political arena, to the members of the coalition in power.

## **8.2. A crisis in the regulation of foreign land ownership**

When, in 2010, President Lula approves the Attorney General's reinterpretation of Law 5709/71 back to its original form, it did so as an emergency solution. It was the height of the land grabbing debate and the country lacked a legal framework, to control foreign ownership of Brazilian land and to be aware of its occurrence. Reverting the interpretation was the mechanism chosen to immediately halt the transactions without imposing a definitive piece of legislation (Hage et al., 2012), which could have divisive effects on the coalition.

Such radical, makeshift solution brought a number of challenges for a sector structured in global value chains as is Brazilian agribusiness. Suddenly, farmers would no longer be able to offer their land as collateral when taking loans from foreign banks and would be restricted on their access to capital (Toledo, 2017). Agro-industrial enterprises would have an added layer of risk, as paper plants were no longer able to own the lands around it, forcing them to depend on local suppliers (Bonato, 2016). Brazilian companies who had land as part of their assets could no longer have foreign control (Hage et al., 2012).

The sweeping nature of the measure frustrated a number of investors, who were all too keen to have their stakes in the Brazilian agribusiness boom<sup>4</sup>. For all those who were well connected enough to be able to find good lawyers and wealthy enough to be able to afford them, special practices offered a lifeline (TMLD, 2017). Powerful state courts, like that of São Paulo, took the liberty to

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<sup>4</sup> As once Coordinator for Foreign Investment at the Brazilian Ministry of Agriculture, the author personally hosted dozens of foreign delegations, from the public and private sectors, interested in acquiring farmland in the country.

illegally legislate on a federal matter. This combination of loopholes generated a number of transactions that legally could not take place, but which in fact did (Aniz and Steinwascher, 2013). There are cases of the use of illegal off-the-record agreements (contratos de gaveta), in which the transaction would take place and a contract would be signed, but it would only be presented to the notary in case of litigation (Pacheco, 2015). There are cases of Brazilian strawman buying in benefit of foreign controllers (Salomon, 2011b). The final status of these unconventional transactions is still, as of 2017, indeterminate, and will probably only be decided once a new law is in place. In the accounts of all these events, there is a case in claiming that the lack of a definitive regulatory framework brings legal uncertainty to buyers and sellers (Duarte, 2015).

While the provisional solution from 2010 is still somewhat successful in stopping the global land rush to take over Brazilian farmland, another problem of the previous regulatory framework was not tackled by the policymakers. As, for a number of years, the country did not differentiate national and foreign buyers when acquiring land, the Brazilian government does not know what area of its territory is owned by foreigners (Hage et al., 2012). Therefore, one additional reason why the regulatory system is living a crisis is the need for the creation of a national registry of foreign-owned land. As other points of the regulatory system generate widespread controversy across the political spectrum, accompanying the forthcoming law with the creation of a registry system seems to be agreed upon by all sides (Zaia, 2017).

### **8.3. The identification of ideological change**

As Hogan and Doyle (2007) point out, a crisis can potentially discredit a policy, but it will not provide new solutions. Brazilian legislation on foreign ownership of land has been considered insufficient to regulate the global land rush of the last decade. On this section, there will be an analysis on whether the ideological change came up with a clear alternative.

#### ***8.3.1. A clear change agent (political entrepreneur) to inject new ideas into the policy arena is apparent***

With the new coalition built to enable the impeachment of President Rousseff and subsequent rise to power of President Temer, a group of change agents, who were once on the sidelines of power, assumed the frontline (Pinheiro Guimarães, 2017). In this coalition, not only the president is a defendant of liberalization (Paraguassu, 2016; Redação RBA, 2017), but also are his closest allies: his Chief of Staff and his Secretary-General (Redação RBA, 2017; Zaia, 2017).

Additionally, the Minister of Finance is perhaps the most vocal supporter of the idea (Batista, 2017; Fellet, 2017; Oliveira and Fariello, 2017; Valor Econômico, 2017) and leading members of the coalition in Congress side with liberalization (Benites, 2016; Fellet, 2017; Gussi, 2015; Leitao, 2015; Maia, 2015; Nishimori, 2015; Nossa, 2016; Zaia, 2017). The Minister of Agriculture, although divergent on the extent of the liberalization, also supports its

principles (Callegari, 2017; Castro, 2017; Copetti, 2017; Fellet, 2017; Oliveira and Fariello, 2017; Toledo, 2017).

### ***8.3.2. Opposition parties (or dissonant voices within the coalition) critique current policy and propose alternative economic ideas***

As the makeshift solution from 2010 demanded a permanent law to ensure legal security, the need for a new policy was one of the few unanimities in a country suffering from increasing polarization. It was agreed by those in power, as well as by the opposition (Andrade, 2010; Correio 24 Horas, 2010; Edgerton, 2015; Leitao, 2015; Maia, 2015; Nishimori, 2015; Porto, 2016; PT na Câmara, 2017; Salomon, 2011a).

### ***8.3.3. Civil society organizations critique current policy, reflecting Hall's coalition-centred approach***

The regulation of foreign land ownership was never an issue seen on the headlines or that gathered attention from the general public, only being picked up social movements, for instance, once the bill proposing unlimited liberalization gained momentum (Caetano, 2017; Fellet, 2017). Before that, the civil society organizations more affected by it were industry associations. These institutions, nevertheless, were very critical of the current state of affairs, in which transactions are all but barred, and are still very active in their case for liberalization (Copetti, 2017; Zaia, 2017).

### ***8.3.4. A clear set of alternative policy ideas are evident***

At first glance, the support for liberalization among the coalition seems to be the sign of a clear set of alternatives ahead. The leading men<sup>5</sup> in power agree with the idea of liberalization (Andrade, 2010; Correio 24 Horas, 2010; Edgerton, 2015; Leitao, 2015; Porto, 2016; PT na Câmara, 2017; Salomon, 2011a), with the notable exception of the Minister of Defense (Jungmann, 2015), who has, however, remained silent on the matter since joining the cabinet.

However, an analysis of the position voiced by the Minister of Agriculture (Caetano, 2017; Callegari, 2017; Castro, 2017; Copetti, 2017; Oliveira and Fariello, 2017; Toledo, 2017) shows that uniformity is only skin-deep. While minister Maggi defends liberalization in general, his own policy idea – restricting it to perennial crops, thus not allowing the internationalization of lands fit for growing soybeans or maize – is fundamentally different from those from the rest of the cabinet.

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<sup>5</sup> President Temer appointed the first all-male cabinet in Brazil since the 1970s. There were also no black or LGBT ministers (Arbex and Bilenky, 2016).

Nevertheless, as the need to guarantee grain supply was the leading cause for the global land rush of the last decade (Borras et al., 2012) and Brazilian potential for growth in grain output is unique for the next decades (Alexandratos and Bruinsma, 2012), it is fair to believe that foreign demand for land in the country concentrates predominantly in areas fit for soybean and maize, which is also precisely what the country already exports. Therefore, a liberalization on the fashion proposed by minister Blairo Maggi would tend to have limited effects, perhaps only relevant to the sector of planted forests (Bonato, 2016).

According to the criteria of Hogan and Doyle (2007:891), “significant policy change is dependent upon agents of change reaching a consensus upon, and subsequently consolidating around, one particular set of new ideas”. Nonetheless, an analysis of the policy alternatives put forward by different actors within the coalition show at least two distinctive liberalization policies.

The first can be called full liberalization, which may or may not include limitations in size, conceivably around 100,000 hectares. It is predominant in President Temer’s cabinet, in the liberal coalition in Congress and much of the traditional industry associations. The second possible liberalization can be called partial liberalization, or liberalization of perennial crops, and is advocated by minister Blairo Maggi and Aprosoja, the industry association that represents the emerging powers in Brazilian agribusiness.

#### ***8.3.5. Widespread public dissatisfaction with current policy is observable through opinion polls, protests, etc.***

As mentioned before, the policy never attracted enough attention for an opinion poll to be carried. However, on an opinion that registered an approval rate of only 3% for President Temer, the fourth topic most associated to him – and the first when corruption charges are excluded – was related to the sale by the government of the country’s natural resources (Caram, 2017)

The subject also failed to mobilize the general public in protests, even considering the liberal nature of the demonstrations for the impeachment of President Rousseff (Moreira, 2015). Since her ousting, public demonstrations lost force in Brazil. The protests that do take place against President Temer tend to focus on the flaws of the impeachment process, on his unelected rise to office and on the corruption charges against the president and his allies. Opposition to liberal policies receives less attention from the demonstrators (Betim, 2017).

#### ***8.3.6. External or international organizations critique current policy or active disseminate alternative ideas***

Although, unsurprisingly, foreign investors have been defending liberalization for a number of years (Thompson, 2015), not many voices from abroad can be heard on the debates on the regulation of foreign land ownership.

Regarding the Food and Agriculture Organization of the United Nations, José Graziano da Silva, its Director-General, is a former member of President

Lula's cabinet. His view is not against liberalization, but that "it has to be regulated" (Agência Estado, 2012). FAO issued a document titled Principles for Responsible Investment in Agriculture and Food Systems (Committee on World Food Security, 2012), in which it laid a set guidelines. Considering the decision of not giving voice to local communities, indigenous peoples and minorities, in the discussion of the bill in Congress (Nossa, 2016), there is a number differences between what FAO proposes and the change Brazil is carrying out.

Therefore, one can argue that there are external voices both pro and against the change in course, but neither of them plays a noticeable role on a potential ideological change.

### ***8.3.7. Media question efficacy of current policy or specific policy aspects***

According to Marques (2013), Brazilian media traditionally associated with the liberal elites in the country, which brings favorable covering of policies of that persuasion. According to Reporter Brasil (2017), social welfare reforms, for instance, have had favourable reporting at 91% of the time at TV Globo, the country's largest media network, and favourable covering at 87% and 83%, respectively, at O Estado de S. Paulo and Folha de São Paulo, the two leading newspapers outside of the Globo conglomerate.

As it receives a fraction of the attention of other reforms, the reporting on the regulation of land ownership tends to more closely echo the views of the sources (Agência Estado, 2012; Nossa, 2016; Paraguassu, 2016; Zaia, 2017; and others), with in-depth analysis being seen more often seen in local offices of foreign media groups (Fallet, 2017). Therefore, one can say that media retains its liberal bias while covering the regulation of foreign land ownership – chiefly by deciding with actors to give voice to and which to silence –, but it does not actively promote it, as it was shown to do with other liberal reforms.

## **8.4. The identification of change in economic policy**

For Hogan and Doyle (2007) a critical juncture is not an isolated event. For a policy change to create new institutional behavior, it must be part of a broader context. Therefore, they set up a list of criteria which can signal a change in economic policy, both on the monetary and on the fiscal fronts. By applying the list to the Brazilian case, one is able to find out whether there is a welcoming environment – or an institutional embedding (Hogan and Doyle, 2007:894) – for a process of liberalization of foreign land ownership.

### ***8.4.1. Economic policy instrument settings changed***

Once in office, President Temer had his monetary policy focused on lowering inflation, an area in which his predecessor President Rousseff was more willing

to compromise in benefit of economic growth (Coimbra, 2015). Soon after rising to power, he tweeted “Monetary policy's priority is fighting inflation and that is the main objective of my government” (Temer, 2016).

However, the fiscal policy of liberal President Temer, reflecting Brazilian tradition of misplaced ideas, actually turned out to run on higher deficits than that of his predecessor. Dilma Rousseff had forecasted a R\$ 124 billion (€33 billion) deficit for 2016, but once Michel Temer took power, he rose this figure to R\$ 159 billion (€42 billion) (Mendonça, 2017).

#### ***8.4.2. The instruments of economic policy changed***

As President Rousseff was already fighting inflation as she was impeached, once President Temer takes power and appoints a banker and former IMF economist as president of the Central Bank, there is no visible difference in what was already an upward trend on interest rates. However, as inflation gradually subsides, there is a choice of maintaining high rates, reducing inflation beyond the official target, in a time when the country faced high unemployment rates and its most severe recession since the 1930s (Oreiro, 2017).

Just as the monetary policy was unprecedently contractionary, fiscal policy also resorted to radical instruments, in spite of the record deficit levels. The most emblematic policy was a 20-year cap on public spending. The measure, which would normally take the form of a law, was enshrined as an amendment to the constitution, in what was not only a show of power by President Temer coalition but also an attempt to complicate the reversion of the policy in future (Senado Federal, 2016).

Part of the same phenomenon as the liberalization of foreign land ownership, are the efforts of the new coalition to deregulate the Brazilian economy with the purposed goal of stimulating investment, employment and growth. Other reforms in progress include the deregulation of the labour market and of the social welfare system (G1 Brasília, 2017).

#### ***8.4.3. The hierarchy of goals behind economic policy changes***

The hierarchy of goals behind policy goals between Rousseff and Temer macroeconomic policies provide a nuanced tool to analyze the difference the two contractionary sets of measures. President Rousseff retorted to orthodoxy only after five years of interventionism and overspending generated unprecedented levels of public debt and a government in the brink of paralysis, in what was considered the exhaustion of the neodevelopmentalist model, having resisted calls for a change in course for at least three years (Boito Jr., 2017). President Temer, on the contrary, – by capping government spending for a whole generation (Senado Federal, 2016) and by keeping interest rates high even after inflation was well set on a descendent route (Oreiro, 2017) – seemed to be using contractionary economic policy as a goal in itself.

On the regulation of foreign land ownership, two very different policy goals seemed to guide the decisions by presidents Lula and Rousseff, who are seen

as neodevelopmentalists, and by President Temer, a liberal. Both presidents coming from the Worker's Party, as well as most of its members to this day, saw foreign ownership of Brazilian land as a potentially threatening event, which they tried to regulate. Although they did not intend to hamper investment, that was a price they were willing to pay. Their policy goal was the reassurance of national sovereignty (Andrade, 2010; Braga, 2013; Correio 24 Horas, 2010; O Sul, 2015; Scaramuzzo, 2016). President Temer and his allies see the subject primarily as an opportunity, which they intend to seize. The present efforts to liberalize foreign land ownership reflect a new policy goal of investment attraction (Edgerton, 2015; Fellet, 2017; Gussi, 2015; Leitao, 2015; Maia, 2015; Nishimori, 2015; Paraguassu, 2016; Porto, 2016; Redação RBA, 2017).

## 8.5. The search for a critical juncture

According to the model offered by Hogan and Doyle (2007), a combination of three events can indicate the emergence of a critical juncture: (a) a crisis, (b) an ideological change and (c) a change in economic policy. Following the authors' steps, these criteria were broken down into specific questions, which were applied to changes in the regulation of foreign land ownership, on an attempt to determine whether the present transformations form a critical juncture.

The first aspect proved the most methodologically challenging, to a point in which a decision was made to present the case for the existence of a crisis instead of trying to adapt the model beyond its possibilities. Once again, in the model, the crisis is not necessarily an economic one, but rather a point in which the present policy is no longer viable.

As the Brazilian makeshift barricade against the global land rush stands for nearly a decade, it starts to show its fragilities. It compromises Brazilian farmers' ability to access credit from overseas, triggers the growth of a legal industry that finds loopholes to allow land deals, and holds the country unaware of which part of its territory is owned by foreigners. Accordingly, it can be reliably considered that there is a crisis in place in the regulation of foreign land ownership in Brazil.

The attempt to spot an ideological change covered the views of 44 different stakeholders, across the political spectrum. Since the rise to power of President Temer, nationalists and family farmers were away from power, and the consensus around the liberalization of foreign land ownership gained ground, with nearly every party and minister in his coalition supporting the idea.

Yet, a close look at the views of large landowners, a group hitherto considered homogenous on its support for President Temer and for liberalization, revealed a more nuanced picture. The traditional rural oligarchy wants full liberalization, arguably seeking to increase their property value. The new agribusiness barons, incompatibly, want liberalization restricted to perennial crops and away from their soybean and maize, the country's most coveted areas, keeping land prices from rising and allowing them to remain expanding. Therefore, although there was an apparent agreement around the idea of liberalization within the coalition in power, the parts are far from a consensus on the way forward. Summing up, one cannot argue for the existence of

ideological change as there is not what Hogan and Doyle (2007:891) call “consensus upon, [...], a particular set of new ideas”.

Looking at the broader picture, it is possible to identify change in the macroeconomic policy as a whole. As soon as President Temer took power, there was an immediate focus on fighting inflation and, once under control, interest rates remained high, bringing inflation to its lowest levels on record, right at the middle of a recession. An important trend was the deregulation (or an attempt to deregulate, depending on the case) of a number of sectors in the economy, on a movement which includes foreign land ownership.

Therefore, events *a* and *c* – a *crisis* and a *change in economic policy* – were successfully identified. However, on item *b*, *identification of ideological change*, the division between old and new landowners compromises the ability of President Temer’s coalition to agree on a way forward. As the *existence* of a critical juncture depends on the combination of all three events, this analysis concludes that the intended changes on the regulation of foreign land ownership in Brazil do not correspond to a critical juncture.

## 9. Final remarks

In his pivotal work for Brazilian modernist literature, *Anthropophagic Manifesto*, Oswald de Andrade (1928) explains how Brazilian culture should incorporate foreign ideas. In his allegory, the writer compares the strategy for the creation of a uniquely Brazilian artistic expression – in a country often overwhelmed by the influence of European culture – with the survival strategy of early indigenous peoples who would not try to mimic the Portuguese, but rather gain strength by eating and digesting the flesh of unfortunate colonial explorers.

The history of the debate between national-developmentalists and liberals in Brazil is not merely a tale of the alternating prevalence of each of the two groups throughout the country's existence. It instead provides a brief genealogy of how these two ideas came to be, how they have been *digested* into institutions and policies since the 19th century and what meaning they hold in the political debate in contemporary Brazil. In the regulation of foreign land ownership, the result is a constant setting up of barriers only for subsequent withdraw, creating a patchwork of registers and legal statuses, inclusions and omissions, whose pendular motion reflects that of a country trying to make sense of grand ideas.

In the global dynamics of ideas, Brazil plays only a peripheral role in constructing the ideologies that shape its political life, importing them instead from countries in the center of capitalism and twisting them to fit its tropical and post-colonial idiosyncrasies. These ideas are often so visibly misplaced that they show their fractures in the everyday life of common people, who can see contractions which are elsewhere only noticed by scholars. Be it the liberals whose wealth was built on slave labour or the soya barons who evoke national interest to buy cheaper land, the difference between ideology and self-interest in the periphery of capitalism is blurred by a layer of flagrant cynicism that covers the relationship between private interest and public ideas.

As land enters the picture, it exerts a gravity pull of power, bringing all actors around it. It is telling that, in a complex emerging economy like Brazil, the balance of power indicating the inexistence of a critical juncture in the regulation of foreign land ownership lays not at industrial workers, the urban middle class or even family farmers, but at a dispute of two factions of the land-owning elites. Just as in the early 19th century, land retains the power to bend ideas and to shape the country's ideologies around its interests.

As an unprecedently cohesive liberal coalition pushes forward an agenda – deregulating labour markets and restricting welfare benefits, privatizing natural resources and capping public spending –, the liberalization of foreign land ownership exposes divisions not present in other debates, with traditional rural oligarchies backing deregulation while emerging soya barons oppose it.

The existence of anti-liberalization forces in the opposition allows for a number of potentially unusual coalitions to be formed. As a coordinator of the Landless Workers' Movements (MST) pointed out, there are common interests uniting social movements and the Armed Forces. An analysis of the different stakeholders' views suggests convergence towards an even broader and more

unexpected alliance: social movements, Armed Forces and soya barons – sided by nationalists, environmentalists and the Catholic church. Such alliance does not need to be declared or even negotiated, as the mere correlation of forces can restrain the coalition in power from pushing forward the liberalization bill, risking a divisive effect in their ranks, and may explain why it has not progressed in the same speed as the rest of the market-oriented agenda.

The discovery of two opposing factions within Brazilian land-owning elites is certainly the most surprising and arguably the most relevant finding of this research paper. Once the contrast between the two groups started to come to light, the author looked for literature explaining the differences between the two groups and how their distinctive modes of production and entrepreneurial history reflected on unique political interests. A thorough search revealed a gap in the literature, as there is no academic production exploring the existence two factions in Brazilian landowning elites.

By being able to disaggregate a group that was hitherto analyzed as a monolith, this research generated a more nuanced interpretation of land politics in Brazil. As the differences between the two groups are further mapped and explored, the author believes that the implications of their differences may extend beyond the foreign ownership of land, perhaps including labour and environmental regulations, and a number of others.

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