



Between reform and attack: Court-curbing and delegitimizing pressures against Brazil's Supreme Court

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Abstract

This article examines court-curbing initiatives and delegitimizing pressures directed against Brazil's Supreme Court between 2019 and 2022, a period of intense political polarization and expanding autocratic legalism. It distinguishes reforms and criticisms compatible with democratic accountability from attacks aimed at weakening the Court's legitimacy and constraining its authority. Based on documentary research, the study maps and classifies impeachment petitions, constitutional amendment proposals, and media texts containing criticisms of or attacks on the Court. The findings show that, while some initiatives remained within legitimate institutional dissent, others operated as instruments of institutional pressure or symbolic delegitimation, combining low-feasibility legislative offensives with highly visible public attacks. In this context, Brazil's Supreme Court became a central target of sustained delegitimization efforts aimed at undermining both its diffuse and specific legitimacy. The case illustrates a broader paradox of courts under stress: visibility may strengthen judicial authority while increasing vulnerability to political and symbolic attacks.

Key words

Brazil's Supreme Court, court-curbing, reform, attacks, impeachment

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Resumen

Este artículo examina las iniciativas de contención judicial y las presiones deslegitimadoras dirigidas contra el Supremo Tribunal Federal de Brasil entre 2019 y 2022, un período de intensa polarización política y expansión del legalismo autocrático. Distingue las reformas y críticas compatibles con la rendición de cuentas democrática de los ataques orientados a debilitar la legitimidad del Tribunal y restringir su autoridad. A partir de una investigación documental, el estudio mapea y clasifica solicitudes de juicio político, propuestas de enmienda constitucional y textos periodísticos que contienen críticas o ataques contra el Tribunal. Los hallazgos muestran que, mientras algunas iniciativas permanecieron dentro de los límites del disenso institucional legítimo, otras operaron como instrumentos de presión institucional o deslegitimación simbólica, combinando ofensivas legislativas de baja viabilidad con ataques públicos de alta visibilidad. En este contexto, el Supremo Tribunal Federal de Brasil se convirtió en un blanco central de esfuerzos sostenidos de deslegitimación orientados a socavar tanto su legitimidad difusa como su legitimidad específica. El caso ilustra una paradoja más amplia de los tribunales bajo presión: la visibilidad puede fortalecer la autoridad judicial y, al mismo tiempo, aumentar su vulnerabilidad frente a ataques políticos y simbólicos.

Palabras clave

Supremo Tribunal Federal de Brasil, contención judicial, reforma, ataques, juicio político

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1. Introduction

This article examines strategies aimed at constraining, weakening, and delegitimizing Brazil's Supreme Court (Supremo Tribunal Federal, STF) between 2019 and 2022. This timeframe corresponds to the Bolsonaro administration, a critical juncture in Brazilian democracy marked by heightened political polarization, recurrent confrontation between the Executive and the judiciary, and the use of autocratic legalism² repertoires which, as comparative literature documents, tend to test and erode the autonomy and authority of constitutional courts (Landau 2013, Scheppele 2018, Huq *et al.* 2018). In the Brazilian case, this period also placed the STF at the center of interbranch conflict and institutional pressure, as successive chief justices adopted different judicial, administrative, and representative tactics in response to executive encroachments (Bogéa and Guimarães 2025).

The article's main goal is to distinguish, through replicable criteria grounded in democratic accountability and judicial independence, reforms and criticisms compatible with transparency, oversight, and judicial responsiveness from attacks aimed at weakening judicial independence, constraining institutional authority, or delegitimizing the Court. Its contribution is conceptual and empirical. Conceptually, it proposes criteria to separate reforms and criticisms compatible with democratic accountability from attacks that threaten judicial independence, authority, or legitimacy. Empirically, it applies this framework to impeachment petitions, constitutional amendment proposals, and media-reported attacks against the STF between 2019 and 2022.

Methodologically, the study draws on the analysis of documentary sources to map and classify formal initiatives, including constitutional amendment proposals (Propostas de Emenda à Constituição, PECs) and impeachment petitions against justices, as well as informal delegitimizing pressures, such as rhetorical attacks, disinformation, threats, and public criticisms reported in the news media. Across the three empirical corpora, elements such as incidence, authorship, content, targets, and mechanisms employed were coded. The assessment of formal initiatives considered their directionality, severity, feasibility, and likely effects on the Court's autonomy, authority, jurisdiction, composition, and decision-making capacity. The empirical corpus comprises 70 impeachment petitions, 27 PECs, and 3,379 texts published in *Folha de S. Paulo* and *G1*, 855 of which recorded criticisms or attacks directed at the STF.

Recent scholarship on the erosion of judicial independence in contemporary democracies demonstrates that such initiatives vary in form, target, and degree of risk, combining legal and administrative changes with symbolic and communicational tactics (Clark 2009, Helmke 2017, Llanos and Weber 2022, Driscoll and Nelson 2023a, Šipulová and Kosař 2023).

In its strict institutional sense, court-curbing refers to policies, actions, or reforms initiated by elected officials in the executive and/or legislative branches that seek to

² Autocratic legalism refers to the strategic mobilization of the law, under the guise of liberal legality, for illiberal purposes. Recent literature points to its operation as a central vehicle of illiberalism. This relationship has been highlighted in studies showing how elected leaders, within the framework of the so-called "liberal consensus", instrumentalize rights, institutions, and procedures to consolidate power and weaken accountability mechanisms (Scheppele 2018, De Sá e Silva 2022).

restrict courts' power, autonomy, jurisdiction, composition, or capacity to enforce decisions. Applied to Brazil, Bogéa (2025) defines judicial containment as political limits imposed by elected actors on the STF and its justices, particularly regarding the Court's composition, decision-making authority, and jurisdiction. Under this definition, court-curbing includes legal and constitutional reforms, restrictions on judicial authority, changes to court composition or appointment rules, sanctions against judges, non-compliance with rulings, and impeachment initiatives, provided they are mobilized by actors with institutional authority to constrain the Court (Da Ros and Bogéa 2022, Aydin-Cakir 2024, Aydin-Cakir and Driscoll 2025, Bogéa 2025).

In addition to analyzing court-curbing initiatives in the strict institutional sense, this article examines rhetorical attacks, disinformation, threats, and media-reported delegitimizing campaigns as informal pressures that may shape the political environment in which formal constraints on courts become more viable or publicly justifiable. These pressures are part of the broader legitimacy environment in which elected actors calculate the political costs of constraining the Court. This analytical move is consistent with research showing that public support and diffuse legitimacy can operate as protective shields for courts: when courts enjoy public support, institutional attacks tend to become politically costlier; when courts are publicly portrayed as illegitimate, partisan, corrupt, or hostile to "the people," restrictive initiatives may become easier to justify (Bartels and Johnston 2020). Within this framework, the President, federal deputies, and senators remain the central actors of court-curbing in the strict sense. By contrast, critical campaigns, media-reported attacks, and initiatives originating from actors without direct institutional authority to constrain the Court are analyzed as part of the broader environment that may facilitate, justify, or amplify institutional pressures against the Court.

In comparative perspective, several studies highlight processes of judicial capture or containment that combine legal reforms, coercion, and informal practices, especially in contexts of low public trust, political polarization, fragmented opposition, and democratic decline (Čuroš 2023, Aydin-Cakir 2024). This dynamic is not unique to fragile democracies. Catalano (2022), for instance, demonstrates that in the United States court-curbing proposals proliferate in states with high partisan competition and partisan judicial elections. Other authors, such as Clark (2009) and Mark and Zilis (2018), identify inter-institutional tensions and political shocks as drivers of legislative offensives against U.S. courts, while Bartels and Johnston (2020) emphasize polarization as a mechanism translating disagreements into pressures for reduced judicial independence. Complementarily, Southworth (2024) underscores that struggles over judicial authority unfold not only through legislative reforms but also within discursive and organizational arenas. Although she does not focus explicitly on court-curbing, her analysis shows that legal offensives can be orchestrated by networks of lawyers and advocacy organizations that mobilize normative frames and institutional resources to reconfigure the legal field and expand the conditions under which courts may endorse illiberal claims.

In Latin America, studies such as those of Aguiar-Aguilar (2023, 2024) describe rhetorical violence, purges, and court-packing in cases such as Mexico, Brazil, Bolivia, and El Salvador. In Brazil, the STF has been targeted by rhetorical attacks, legislative reform

proposals, and impeachment petitions (Oliveira and Cunha 2020, Da Ros and Bogéa 2022, Bogéa 2024). While comparative studies suggest that attacks may corrode legitimacy and reduce public support in some contexts (Driscoll and Nelson 2023b, García-Holgado 2023), harsh criticism is not always antidemocratic and may fulfill an accountability function (Stephenson 2023).

In sum, formal court-curbing initiatives and informal delegitimizing pressures are analytically distinct but politically connected phenomena. Their interaction depends on courts' legitimacy, surrounding political pacts, and interbranch power relations. This analytical framework guides the examination of strategies directed at the STF between 2019 and 2022, with particular attention to the boundary between legitimate accountability and illiberal attack.

This article consists of six sections, including this introduction. Section 2 defines court-curbing in its strict institutional sense and explains how informal delegitimizing pressures are analytically connected to, but distinct from, formal court-curbing initiatives. Section 3 distinguishes criticism, reform, and attack, proposing operational criteria for such differentiation. Section 4 examines the 2019–2022 period with a focus on formal strategies, including constitutional amendment proposals and impeachment initiatives, while Section 5 analyzes informal delegitimizing pressures through rhetoric and media-reported attacks. Finally, Section 6 summarizes the main findings and discusses their implications for the legitimacy of the STF and the quality of Brazilian democracy.

2. Definition of court-curbing

Drawing on U.S. scholarship and its adaptation to the Brazilian case, this article defines court-curbing in its strict institutional sense as actions undertaken by elected public officials to constrain courts by limiting their autonomy, authority, jurisdiction, composition, decision-making capacity, or ability to enforce decisions. Da Ros and Bogéa (2022) conceptualize court-curbing as judicial containment, understood as actions by elected officials that seek to condition the judiciary by limiting its autonomy and authority. Bogéa (2025) further develops this approach by examining the post-1988 trajectory of judicial containment directed at the STF and its justices, with particular attention to three targets: composition, decision-making, and jurisdiction. In this institutional repertoire, court-curbing includes jurisdictional changes, alterations in the number of justices or appointment rules, strategic appointments, impeachment initiatives by actors with institutional authority, delays or noncompliance with rulings, and budgetary interventions.

According to Da Ros and Bogéa (2022), court-curbing efforts vary by target (decisions, individual justices, or the court as an institution) and by intensity (low, medium, high). Low-intensity initiatives correspond to conflicts compatible with a system of checks and balances, such as recusal requests, budget reviews, or legislative proposals intended to override court rulings. Although public criticism may accompany such initiatives, criticism alone is not treated here as court-curbing proper unless it is connected to actors or mechanisms with institutional capacity to constrain the Court. Medium-intensity initiatives involve credible threats, such as constitutional amendment proposals to reduce competencies, significant budget or salary cuts, changes in the number of justices,

selective noncompliance with decisions, and the passage of laws or amendments to annul rulings (Da Ros and Bogéa 2022, p. 191). High-intensity initiatives include the actual implementation of measures with severe institutional impact, such as drastic cuts and loss of financial autonomy, jurisdictional reduction or fragmentation, impeachments or forced removals, systematic noncompliance with court rulings, and direct coercion of the court or its members (Da Ros and Bogéa 2022, p. 192).

Extending this dialogue with the U.S. literature, two additional explanatory dimensions can be noted. Mark and Zilis (2018) shift the focus from institutional conflict between branches to the behavior of political actors, arguing that court-curbing is, above all, a strategy that individuals employ to signal preferences both to voters and to the Court itself. The incidence of such proposals results from the interaction between individual incentives (e.g., the proponent's ideology), partisan coalition dynamics (majority status and ideological distance from the court), and broader political context. Catalano (2022), in turn, distinguishes between *ex ante* and *ex post* controls over courts. *Ex ante* refers to selection rules and institutional design features shaping the judiciary prior to judicial appointments, whereas *ex post* refers to measures designed to constrain sitting judges and functioning courts. Systems with stronger partisan influence in judicial selection tend to reduce incentives for *ex post* curbing, while partisan judicial elections are associated with a greater propensity for court-curbing.

In terms of measurement, Catalano proposes moving beyond simple counts of legislative proposals by incorporating intensity, understood as the severity of the intended institutional change, and probability of approval, which reflects political feasibility. These criteria are analytically relevant because the literature suggests that credible threats may shape judicial behavior³. Highly intense proposals, even with low likelihood of approval, may matter as signals of political pressure, whereas proposals with high probability of passage may generate incentives for caution or deference (Catalano 2022).

This institutional definition is the starting point of the article. It captures court-curbing in the strict sense, as initiatives undertaken by actors with formal capacity to restrict the Court's autonomy, authority, jurisdiction, composition, or decision-making powers. The article nevertheless analyzes informal delegitimizing pressures because they may alter the legitimacy environment in which formal court-curbing becomes politically viable. In contexts of polarization, public opinion and diffuse legitimacy function as cost parameters for elected actors. When courts retain broad public support, institutional attacks may become politically costly; when public narratives portray courts as illegitimate, partisan, corrupt, or hostile to "the people," restrictive initiatives may become easier to justify (Bartels and Johnston 2020).

The distinction between formal institutional initiatives and the broader political environment is particularly relevant in contexts of democratic stress, where formal and informal pressures may interact. Aydin-Cakir and Akarçay (2025) show that offensives against courts may combine constitutional or institutional changes, verbal attacks, and noncompliance with decisions, especially when the judiciary is perceived as a threat to executive stability or political survival. Their argument helps to explain why attacks on

³ The severity and political feasibility of the proposals may vary depending on the broader context, particularly in scenarios of democratic crisis. The classification adopted in this study therefore represents a snapshot of a specific moment, providing criteria for comparison across cases.

courts should be analyzed not only through enacted institutional measures, but also through the political narratives that frame investigations, adverse rulings, or judicial oversight as persecution, politicization, or “lawfare.”

The Brazilian case illustrates this interaction. Aydin-Cakir and Akarçay (2025) show that governments of different ideological orientations have resorted to accusations of judicial politicization in moments of political crisis. Under Lula and Dilma Rousseff, such criticisms were directed mainly at the Federal Judiciary at the trial level, especially in response to anti-corruption operations such as Lava Jato. Under Jair Bolsonaro, however, the target shifted more directly to the STF, and clashes were marked by verbal attacks, public demonstrations, and challenges to the Court’s authority. This shift is central to the period analyzed in this article.

Accordingly, this article adopts a two-level analytical framework. The first level concerns formal court-curbing initiatives, understood as actions undertaken by actors with institutional capacity to restrict the Court’s autonomy, authority, jurisdiction, composition, or decision-making powers. The second level concerns informal delegitimizing pressures, including rhetorical, symbolic, and media-reported attacks that may shape the political environment in which formal restrictions become more or less viable. This approach preserves the distinction between institutional initiatives and informal delegitimizing pressures while allowing the analysis to capture how they interact in contexts of democratic stress. It guides the subsequent classification of empirical initiatives by arena, target, authorship, intensity, and likely institutional effects.

3. Distinguishing reform and criticism from attacks

The distinction between reform, criticism, and attack is central to understanding contemporary tensions around constitutional courts. Reform should not be treated as inherently constructive or democratically legitimate. In this article, judicial reform refers broadly to institutional change affecting the Court’s composition, jurisdiction, procedures, powers, or accountability mechanisms. Such reforms may strengthen courts, reorganize their internal functioning, produce ambiguous effects, or weaken judicial independence and authority. The relevant analytical question is therefore not whether an initiative is formally presented as a reform, but whether its design and likely effects are compatible with democratic accountability or whether they seek to subordinate, intimidate, or neutralize the Court.

According to Čuroš (2023), boundaries between reform and attack can be identified by examining the effects of measures on judicial independence. Legitimate reforms may include administrative adjustments, court reorganizations, or more transparent selection and appointment procedures, provided they do not create mechanisms of interference in judicial decision-making or reduce courts’ capacity to perform their constitutional role. By contrast, attacks are initiatives that, regardless of reformist rhetoric, undermine judicial independence, autonomy, authority, or the effective enforcement of decisions.

This formulation directly connects with the work of Moliterno and Čuroš (2021), who examine different forms of attacks on the judiciary in Central and Eastern Europe since 2010 and place them in comparative perspective alongside recent practices of judicial delegitimization in the United States. The authors articulate the concepts of

independence and accountability and emphasize the fragility of the balance between autonomy and control. Preserving autonomy without allowing mechanisms of accountability undermines democratic legitimacy, while expanding accountability without limits transforms criticism into intimidation.

For Moliterno and Čuroš (2021, p. 1163), legitimate reforms and criticisms, even when harsh, may foster institutional improvements, whereas attacks compromise impartiality and serve as strategies to shield governments and allies from public scrutiny. Their typology distinguishes three modalities of attack, each with specific mechanisms of interference. Vulgar attacks consist of direct and overt pressures on judges in concrete cases, with the immediate aim of conditioning outcomes. Systemic attacks operate at the structural level and are manifested in constitutional or legal changes that affect the composition, jurisdiction, or powers of the judiciary, reconfiguring the rules of the game. Insidious attacks take place at the symbolic level, seeking to corrode courts' legitimacy through narratives portraying judges as enemies of the people or partisan actors, thereby undermining public trust and weakening judicial authority.

Although theoretically distinct, in practice these modalities often blur. Graver (2025) observes that in processes of democratic backsliding, governments rarely abolish constitutional courts outright but instead weaken them from within, justifying interventions with discourses of efficiency, anti-corruption, or modernization. This gradual, technical-appearing strategy makes it difficult to separate legitimate institutional reforms from disguised attacks, since many procedural adjustments are plausible in any judicial system. For Graver, the dividing line rests on effects: measures remain legitimate when they preserve the countermajoritarian role and institutional guarantees of the judiciary, but constitute attacks when they erode these safeguards or subject the court to the will of political majorities.

This reasoning aligns with Čuroš's (2023) emphasis on assessing not only the form of proposed interventions but also their effects on the independent decision-making capacity of courts. The argument also resonates with Hollis-Brusky (2021), who analyzes the U.S. tradition of contesting the judiciary and shows that calls for reform recur cyclically during periods of constitutional stress. In such moments, not every demand should be understood as an attack. She highlights that proposals frequently debated in the United States, such as term limits or regularized appointment cycles, are advanced by diverse actors and may be interpreted as attempts to reduce politicization and preserve the legitimacy of the Supreme Court. In this framework, strong criticisms and even reform projects can form part of democratic accountability dynamics, provided they are not instrumentalized to intimidate or reduce judicial independence. For the purposes of this article, criticism refers to public disagreement with the Court, its justices, or its decisions, expressed without intimidation, disinformation, threats, or efforts to portray the Court as an illegitimate enemy. Criticism may be harsh and politically motivated, but it remains within democratic accountability when it challenges reasoning, transparency, consistency, or institutional performance. By contrast, rhetorical attack refers to discourse that seeks to delegitimize the Court's authority by portraying it as corrupt, partisan, criminal, tyrannical, or hostile to "the people," especially when coupled with threats, disinformation, calls for noncompliance, or pressure against individual justices.

The systematization of this literature yields the operational criteria adopted here. An initiative constitutes an attack when it creates mechanisms of political interference in judicial decision-making; reduces the Court's jurisdiction or institutional authority; threatens tenure security or enables arbitrary removal of justices; encourages or announces noncompliance with judicial decisions; forms part of a broader pattern of institutional capture; or is coupled with delegitimizing rhetoric aimed at intimidating judges or portraying the Court as an illegitimate political enemy. By contrast, criticism and reform remain within the realm of democratic accountability when they are general, prospective, non-intimidatory, and justified by public reasons related to transparency, efficiency, consistency, or institutional responsiveness, without undermining the Court's independence or constitutional role.

This framework enables a systematic empirical assessment of three dimensions of the Brazilian case. The first concerns impeachment petitions against justices, understood as formal mechanisms of pressure whose institutional feasibility is low but whose symbolic and mobilizational effects may be relevant. The second concerns constitutional amendment proposals, which range from reforms compatible with democratic accountability to ambiguous initiatives and systemic attempts to curtail judicial autonomy or authority. The third concerns media discourse, which may take the form of legitimate political criticism or informal delegitimizing pressure, depending on whether it relies on disinformation, intimidation, threats, or rhetoric that portrays the Court as an illegitimate enemy. Criticisms and reforms are compatible with democracy when they do not undermine the STF's independence, authority, or constitutional role; attacks, by contrast, seek to subordinate the Court to political majorities, constrain its authority, or delegitimize its constitutional role.

4. Formal initiatives: Impeachment petitions and constitutional amendment proposals

In the Brazilian case, Article 52, II, of the Federal Constitution provides that the Senate has exclusive authority to try and judge Supreme Court justices for impeachable offenses. The procedure is regulated by Law n. 1.079/1950, which remains in force. Article 39 of the statute provides broad grounds for liability, including altering already-issued decisions, adjudicating cases in which a justice has a conflict of interest, engaging in partisan political activity, acting negligently, or engaging in conduct incompatible with the dignity of the office. Any citizen may file a petition with the Senate (Article 41), which will then decide on its admissibility. This combination of broad access and vague criteria opens the door for politically motivated proceedings.

The empirical analysis of formal initiatives is based on two documentary corpora. The first comprises the 70 impeachment petitions filed against STF justices between 2019 and 2022, collected from the Federal Senate's records and coded according to authorship, political affiliation, ideological orientation, targeted justice, procedural status, legal grounds, and substantive justification. The full justification of each petition was read and manually coded, so the classification does not rely only on the legal categories invoked under Law n. 1.079/1950. The second corpus comprises the 27 constitutional amendment proposals concerning the STF introduced between 2019 and 2022, coded according to authorship, sponsoring party, ideological orientation, affected constitutional provisions,

procedural status, area of reform, and likely effect on the Court's autonomy, authority, jurisdiction, composition, or decision-making powers. These proposals are not treated as attacks by definition. They are classified according to their likely institutional effects as reforms compatible with democratic accountability, ambiguous governance proposals, or systemic attacks on the Court's autonomy or authority. Party ideology follows Bolognesi *et al.*'s (2023) expert survey classification of Brazilian political parties.

Impeachment petitions against STF justices have multiplied in recent years, although their actual advancement remains rare. As Da Ros and Bogéa (2022) observe, this instrument was originally conceived as an extreme mechanism for accountability, but has often become a vehicle of political contestation regarding unpopular judicial decisions. The ease of submission contrasts with the low probability of advancement, since admissibility depends on the Senate presidency and cases require broad parliamentary majorities to move ahead. In practice, most petitions are summarily dismissed. Their recurrent use, however, may operate as a formalized mechanism of political pressure and symbolic contestation of individual justices and of the institution.

According to Da Ros and Bogéa (2022), between the promulgation of the 1988 Constitution and 2021, 104 impeachment petitions were filed against Supreme Court justices. From 1988 to 2014, only seven petitions were registered, all denied. Beginning in 2015, however, the use of this instrument grew significantly, culminating in 2019 with the first petition signed by a federal legislator. The authors emphasize that, of the 104 identified petitions, only 18 were filed by federally elected politicians. Thus, in their view, only this minority can be properly characterized as instances of court-curbing in the strict sense.

In this article, impeachment petitions are treated as formal accountability instruments that may be mobilized as mechanisms of pressure against the Court. Petitions filed by federally elected officials are analyzed as court-curbing initiatives in the strict institutional sense, while petitions filed by citizens, lawyers, party leaders without elective office, or subnational actors are treated as formalized mechanisms of political and symbolic contestation. Although their institutional feasibility as removal mechanisms is low, their recurrence, authorship, and argumentative content make them relevant for analyzing how different actors mobilized legal accountability instruments in disputes over the STF's authority. Of the 70 petitions, 64% originated from political actors (33% federally elected officials, 21% national party leaders, and 10% state or municipal officials), while 36% were filed by citizens (25% lawyers, 4% public servants, and 7% businesspeople or other professionals).

Among political actors (45 petitions), 71% originated from right-wing parties, 22% from the center-right, and 7% from centrist parties. The concentration was strongest among right-wing parties, with the PL (then-President Bolsonaro's party) responsible for 11 petitions, the PSL for 9, and Podemos for 7.

Figure 1 presents data on impeachment petitions by targeted justice and procedural status, showing that Justice Alexandre de Moraes received the highest number of petitions - both denied and pending - followed by Justice Roberto Barroso. Other justices, such as Dias Toffoli, Gilmar Mendes, Cármen Lúcia, and Edson Fachin, had intermediate levels, whereas Luís Fux and Nunes Marques faced very few petitions, indicating that filings were concentrated against a small subset of justices. The three petitions against

Fux and the single petition against Marques were all submitted by lawyers rather than politicians. Until 2022, they were the only justices who had not faced impeachment petitions filed by elected representatives.

The majority of petitions (87%) targeted a single justice, while only four requested the removal of the entire court or nearly all of its members. Of the 70 petitions, 66% were primarily based on decisions issued by the justice or the Court, whereas 34% focused on individual conduct. Inquiry 4781 (known as the “Fake News inquiry”)⁴ was the most frequently cited common thread, around which clustered allegations of “censorship,” orders directed at digital platforms, “usurpation” of powers, and disregard for the Public Prosecutor’s Office. Other recurrent cases included the criminal proceeding that led to the imprisonment of Congressman Daniel Silveira⁵ and the suspension of Alexandre Ramagem’s appointment as Director-General of the Federal Police.⁶

⁴ Inquiry 4781 was opened ex officio by the STF in 2019, during Chief Justice Dias Toffoli’s term, to investigate fake news, threats, and defamatory attacks against the Court, its justices, and their families. Justice Alexandre de Moraes was appointed rapporteur. The inquiry became central to the democracy-under-stress context because it was framed by the Court as a response to coordinated attacks against democratic institutions, while critics denounced it as an example of judicial overreach. See also Bogéa and Guimarães (2025) on the STF’s institutional leadership and responses to executive encroachments during the Bolsonaro administration.

⁵ Daniel Silveira, a military police officer and federal deputy from Rio de Janeiro (2019–2023) elected by the PSL, became a prominent figure within bolsonarismo and anti-STF mobilizations. In 2021, he was arrested in the context of the STF inquiry into fake news, defamation, threats, and offenses against the Court and its members, after publishing a video attacking STF justices, defending Brazil’s authoritarian-era Institutional Act n. 5 (AI-5), and calling for the replacement of the Court’s members. The case became one of the most visible episodes of confrontation between the Court and Bolsonaro-aligned actors.

⁶ Alexandre Ramagem, a federal police commissioner, became closely linked to Bolsonaro after heading the president’s security team during the 2018 campaign, following the knife attack against Bolsonaro. He later served as director of the Brazilian Intelligence Agency (ABIN) from July 2019 to March 2022. In April 2020, Bolsonaro sought to appoint him as director-general of the Federal Police. Justice Alexandre de Moraes suspended the nomination and the scheduled inauguration in response to a legal action filed by the PDT, citing allegations by former Justice Minister Sergio Moro that Bolsonaro had attempted to interfere politically in the Federal Police. Moraes found, at the preliminary stage, plausible evidence of misuse of purpose in the presidential appointment, in violation of constitutional principles of impersonality, morality, and public interest. The episode became a major source of Executive-STF tension.

FIGURE 1

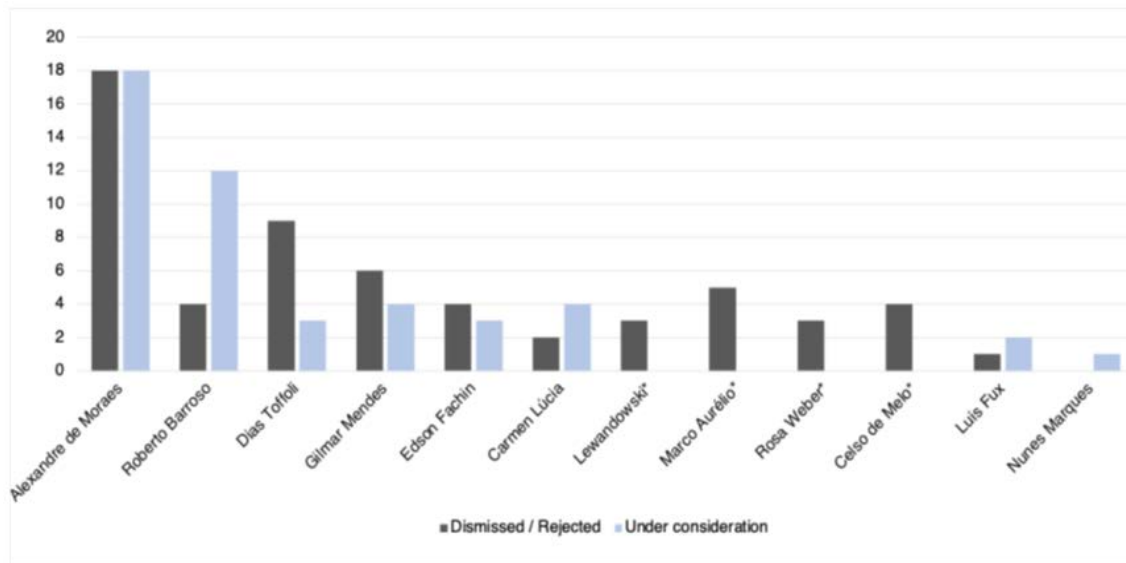


Figure 1. Status of impeachment petitions, by justice (as of May 20, 2025).

(N = 70 impeachment petitions filed between 2019–2022.)

(* Retired justices: Celso de Mello in 2020; Marco Aurélio in 2021; Lewandowski and Rosa Weber in 2023).

In cases related to individual conduct, recurring arguments involved participation in proceedings of potential interest to law firms linked to justices' relatives, as well as extra-judicial conduct such as attendance at events or public statements. Analysis of the stated motivations underlying impeachment petitions against STF justices reveals patterns that help to delineate the boundaries between initiatives consistent with accountability mechanisms and attempts at political intimidation (Figure 2).

FIGURE 2

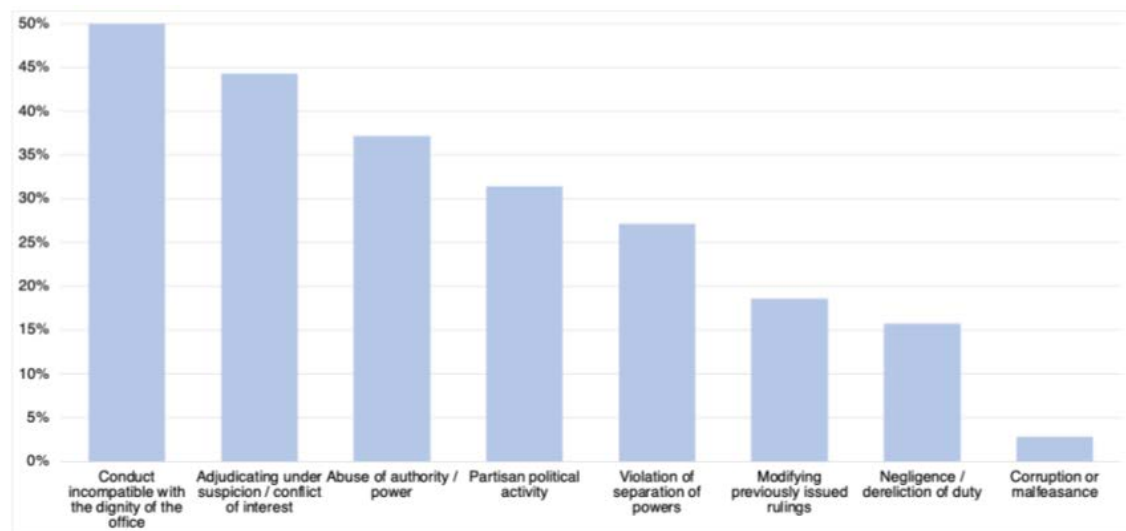


Figure 2. Grounds for impeachment petitions against STF justices*.

(N = 70 impeachment petitions filed between 2019–2022.)

(*The sum exceeds the total number of petitions, since individual filings may include multiple grounds.)

The most recurrent accusation was “conduct incompatible with the dignity of the office” (50%), followed by allegations of “adjudicating cases despite conflicts of interest or

suspicion" (44%) and "abuse of authority or power" (37%). Other frequent justifications included accusations of engaging in partisan political activity (31%) and violations of the principle of separation of powers (27%). By contrast, claims such as arbitrarily "modifying previously issued rulings" (19%) and "negligence" (16%) appeared less prominently, while charges of corruption or malfeasance were marginal (3%).

The distribution of motivations in impeachment petitions against STF justices shows that certain categories concentrated the majority of accusations, although unevenly across justices, suggesting selective targeting and specific strategies of contestation. Reliance on vague categories such as conduct incompatible with the office, suspicion, and abuse of power enabled greater interpretive flexibility and functioned more as an instrument of political pressure than as a consistent mechanism of accountability.

Allegations of conduct incompatible with the dignity of the office were most frequently leveled against Justices Fachin (57%), Gilmar Mendes (50%), and Celso de Mello (50%), suggesting the use of broad and imprecise claims to contest central figures in the Court's recent agenda. Suspicion as a motivation stood out in petitions against Justices Fux (67%) and Toffoli (33%), and was the second most frequent allegation against Justice Alexandre de Moraes, together with violations of the separation of powers principle (33% each), pointing to challenges directed at specific rulings. Abuse of power or authority was the primary basis of petitions against Moraes (35%).

An important distinction emerges between petitions filed by citizens and those submitted by institutional political actors. Among the former, allegations tended to focus on individual conduct: accusations of conflict of interest in cases involving personal or family ties, charges of conduct incompatible with the dignity of the office for public remarks or participation in events, and imputations of partisan activity based on interviews or political statements. Not infrequently, these petitions reflected the proponents' own experiences, such as delays in specific cases or claims involving clients or relatives. This set also included petitions of a manifestly caricatured nature, where arguments assumed an ideological or opinionated tone rather than standing on consistent legal foundations. Examples included the description of Justice Marco Aurélio as "senile" following a ruling allegedly favorable to Lula (PET 3/2019), the narrative of a supposed "criminal project" led by Lula and financed by Fidel Castro to seize power in Latin America (PET 13/2019), generic accusations that all justices (except Nunes Marques) were "communists" (PET 16/2021), the depiction of Justice Barroso as a "leftist militant, a PT supporter, a natural Marxist-Leninist" (PET 3/2022) and portrayals of justices as "imposers incapable of listening" (PET 19/2020).

By contrast, petitions signed by legislators and other institutional political actors displayed a more direct connection to political-institutional disputes. In this group, accusations of abuse of power and violations of the separation of powers principle were prevalent, particularly in relation to the initiation and conduct of the Fake News Inquiry. Allegations of partisan activity were also common, often tied to the justices' role in presiding over the Superior Electoral Court, especially in debates concerning electronic

voting security.⁷ In these cases, criticism targeted not individual conduct but judicial decisions perceived as having broad political impact.

These differences suggest that petitions filed by citizens (the majority of whom were professionals such as lawyers) functioned largely as forms of moral or ethical contestation of justices' behavior, emphasizing personal conduct. Petitions submitted by political actors, on the other hand, operated as instruments of institutional dispute, directly tied to conflicts between the STF and the other branches of government. While both groups employed the same legal framework, their application revealed distinct strategies: the former focusing on episodic or individual situations, the latter anchored in high-salience political decisions.

Applying Moliterno and Čuroš's (2021) typology, impeachment petitions filed against STF justices between 2019 and 2022 can be classified as predominantly vulgar attacks, but with a strong insidious component. They functioned simultaneously as decision-making pressure and as tools of public delegitimization.

For delegitimization purposes, such petitions demonstrated high feasibility, since the mere act of filing them fulfilled a political and symbolic function. By contrast, their feasibility as mechanisms for actual removal was low, since no STF justice has ever been removed through impeachment, and most petitions were dismissed or rejected at early stages of the legislative process. Although the number of petitions that formally remained under review increased between 2019 and 2022, this did not alter the historical pattern of low viability, given the qualified majority required in the Senate and the absence of precedents for removal.

In the case of impeachment petitions, the scope for systemic attacks is limited, since these initiatives largely aim to constrain individual justices or symbolically corrode the Court's legitimacy. By contrast, in legislative reform proposals this systemic potential becomes more evident.

In Brazil, changes in the way the STF functions can only be made through constitutional amendment. Article 60 of the Federal Constitution stipulates that amendments (PECs) may be proposed by one-third of the members of the Chamber of Deputies or the Senate, by the President of the Republic, or by more than half of the state legislatures. To be approved, a PEC must secure the support of three-fifths of legislators in two rounds of voting in each chamber of Congress.

The broader historical comparison with the 1988–2018 period is based on the same search criteria applied to constitutional amendment proposals explicitly affecting the STF's powers, composition, jurisdiction, appointment rules, tenure, or internal decision-making procedures. Between the promulgation of the 1988 Constitution and December 2022, 124 PECs aimed at reforming the STF were identified, 44% of which sought to reduce its powers. Until 2018, 97 proposals had been presented, 37% of which sought to diminish competencies. In the period 2019–2022, 27 proposals were introduced, the vast majority (18) seeking to restrict the Court's powers.

⁷ Under Article 119 of the 1988 Federal Constitution, Supreme Court justices also serve, on a rotating basis, as presidents of the Superior Electoral Court (TSE).

Two earlier proposals (1988–2018) resulted in constitutional amendments. PEC 96/1992, enacted as Constitutional Amendment 45/2004 (the so-called ‘Judicial Reform’), had significant institutional repercussions for the STF by introducing mechanisms comparable to those in the U.S. Supreme Court: a ‘general repercussion’ requirement in extraordinary appeals (similar to the certiorari filter, requiring broad constitutional relevance) and binding precedents (decisions with mandatory effect on lower courts). Together, these reforms streamlined and rationalized the Court’s jurisdiction. PEC 457/2005, known as the “cane amendment” (*PEC da bengala*) and enacted as Constitutional Amendment 88/2015, raised the compulsory retirement age for justices from 70 to 75. Although framed as aligning the senior judiciary with lower-court careers, the measure had immediate effects on the pace of judicial turnover. Similarly, PEC 32/2021, enacted as Constitutional Amendment 122/2022, raised the maximum age for judicial appointments from 65 to 70, also altering conditions of access to the Court.

These approved changes do not constitute systemic attacks on the STF, since they neither curtailed its competencies nor expanded political control over its activities. Rather, they can be understood as ambiguous governance reforms affecting patterns of composition and succession. Despite their low rate of approval in recent years, these initiatives illustrate how constitutional amendments can reconfigure the “rules of the game” surrounding the Court, with potential impacts on its autonomy and institutional authority.

Following Brinks and Blass’s (2017) typology, judicial reform proposals can be assessed in terms of their effects on the autonomy and authority of the Supreme Court. Autonomy refers to the Court’s ability to act without external pressures, while authority concerns the effectiveness of its decisions and the degree to which they are enforced. According to the authors, institutional design, including appointment mechanisms, tenure guarantees, and jurisdictional rules, directly shapes both attributes. Ex ante autonomy relates to entry into the Court, while ex post autonomy refers to conditions that protect sitting justices, such as tenure security, protection against arbitrary removal, and material guarantees. Additionally, broad and accessible jurisdiction strengthens authority by ensuring that judicial decisions have effective reach within the political and legal system.

In light of this classification, STF reform proposals during the period under study can be grouped into 15 initiatives affecting authority (such as jurisdictional reductions, limits on normative authority, or congressional review of decisions) and 12 affecting autonomy (including mechanisms of “ideological balance” in appointments, restrictions on single-justice rulings,⁸ and the introduction of term limits).

Figure 3 shows that most proposals sought to restrict the STF’s powers, particularly regarding jurisdiction, term limits for justices, and limitations on individual rulings. Proposals to expand competencies or implement internal adjustments were far less frequent, reinforcing the argument that the main thrust was to constrain the Court’s role.

⁸ In the Brazilian Supreme Court, a single justice may decide cases individually (“decisões monocráticas”), often on interlocutory matters but sometimes with significant substantive impact. While subject to later review by the full bench, these rulings have immediate effect and have been the subject of longstanding criticism for concentrating power in individual justices.

FIGURE 3

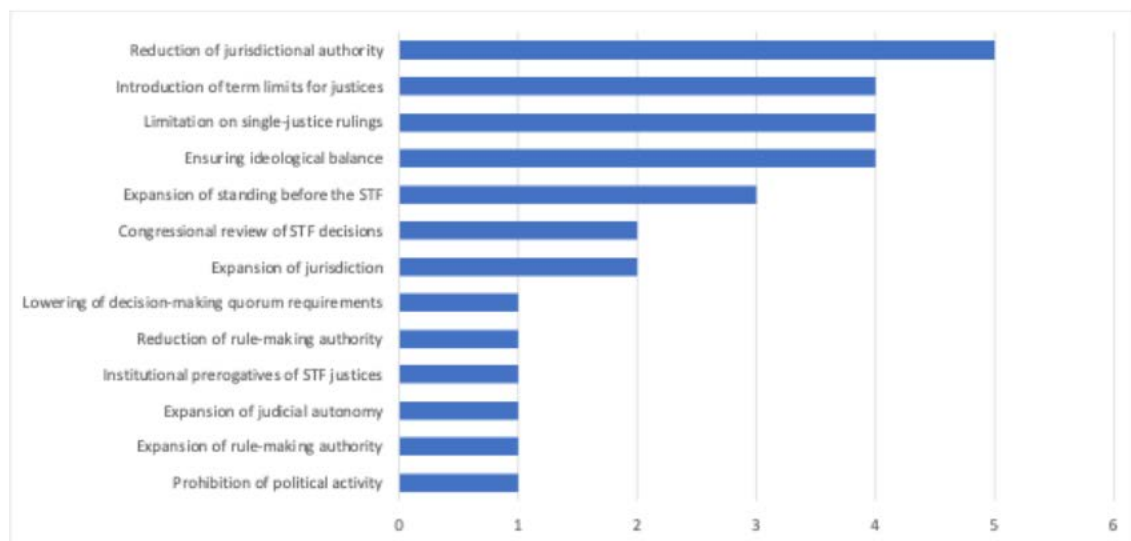


Figure 3. Areas of Reform in PECs Concerning the STF*.

(N = 27 constitutional amendment proposals (PECs) introduced between 2019–2022.)

(*The sum exceeds the total number of PECs, since individual proposals may include multiple amendments.)

Our data indicate that many PECs directly targeted core constitutional provisions structuring the STF's role. Article 102, which concentrates the Court's jurisdiction, was the subject of 14 proposals, showing that the main line of institutional contestation concerned the STF's function as guardian of the Constitution. Articles 101 and 103, which concern the Court's composition (appointment and requirements for justices) and standing to initiate constitutional review, received 5 proposals each, reflecting attempts to alter entry rules and modify access to concentrated review. A residual set of proposals targeted other constitutional provisions, such as Articles 49 (exclusive powers of Congress), 93 (judiciary organization), 97 (plenary reservation rule), and 53 (parliamentary immunity). This pattern indicates that while jurisdiction and competencies were the central targets, there were also marginal attempts to broaden reforms to other sensitive elements of institutional design.

Analysis of the ideology of sponsoring parties shows that the offensive against the STF has been led primarily by the right, responsible for 78 of the 124 constitutional amendment proposals (PECs) introduced since 1988 (63%). In the most recent period, this dominance intensified: 22 of the 27 PECs were introduced by right-wing parties - Podemos, MDB⁹, and PSDB with four each; PSL with three; PL and DEM with two each; and NOVO, PP, and PSD with one each.

Over time, centrist parties accounted for 30 PECs, while the left introduced 16, of which only one was proposed between 2019 and 2022, by the PT. This pattern underscores the centrality that criticism of the Court has on the parliamentary right's agenda, while

⁹ MDB is a borderline case. Although previous studies have often classified it as a center party, Bolognesi *et al.* (2023) place it in the right-wing segment, with a mean score of 7.01, slightly above their threshold for right-wing parties. They associate this more recent repositioning with the party's stance after the impeachment of President Dilma Rousseff.

parties of other ideological orientations appeared as PEC sponsors only sparsely and sporadically.

With regard to legislative progress, slightly more than half of the 27 proposals (52%) were still under consideration in May 2025. Of the 97 PECs presented prior to 2019, only nine remained active at that time, illustrating both the longevity and resilience of certain initiatives and the difficulty of bringing them to final approval, given the qualified majority required. Nevertheless, the persistence of dozens of ongoing projects signals the continuity of a political strategy of institutional contestation and attempts to constrain the STF.

Applying the analytical categories drawn from the literature on court-curbing (Molitero and Čuroš 2021, Čuroš 2023, Graver 2025) to the 27 PECs introduced between 2019 and 2022, we can distinguish three types of initiatives. Reforms were those that did not imply a reduction of powers, an expansion of political control mechanisms, or restrictions on the Court's autonomy, and might even broaden competencies or rationalize case management. Ambiguous proposals corresponded to changes that did not directly affect decision-making power but touched on sensitive dimensions of governance, such as term limits, retirement age, number of justices, or appointment procedures, with potential risks of strategic use. By contrast, systemic attacks included measures explicitly aimed at reducing competencies, restricting decision-making authority, or creating instruments of external control capable of undermining judicial independence. According to these criteria, four reforms, five ambiguous proposals, and eighteen systemic attacks were identified. This indicates that, while some projects had the potential to foster institutional improvements or reorganize governance, the majority sought to weaken the autonomy and authority of the Court.

Between 1988 and 2018, only two STF-related PECs were approved, and just one during the 2019–2022 period, while no impeachment petition against justices progressed. This indicates the very low success rate of such initiatives. In this scenario, judicial restriction measures directed at the STF have functioned more as instruments of political signaling and symbolic contestation than as effective mechanisms to remove justices, control decisions, or rewrite institutional rules.

In sum, impeachment petitions and constitutional amendment proposals operated as distinct formal instruments. Impeachment petitions primarily targeted individual justices and specific rulings, especially in politically salient cases such as the Fake News Inquiry, and had low feasibility as removal mechanisms but high relevance as symbolic pressure. Constitutional amendment proposals, by contrast, targeted the institutional design of the Court, especially its jurisdiction, composition, decision-making procedures, and authority. The two mechanisms therefore operated less as effective instruments of institutional transformation than as distinct forms of formalized political pressure. Impeachment petitions did not progress as removal mechanisms, but they personalized attacks on individual justices and controversial rulings. PECs, by contrast, only rarely resulted in approved constitutional change, yet they sought to reshape the structural conditions under which the Court exercises its constitutional role.

5. Informal delegitimizing pressures: Criticism and attacks

Informal delegitimizing pressures were analyzed on the basis of media coverage of the STF published in *Folha de S. Paulo* and G1 between January 1, 2019, and December 31, 2022¹⁰. The corpus was collected through a Python script using the keyword “STF” in the digital archives of both outlets. In *Folha de S. Paulo*, the corpus includes opinion texts, columns, editorials, and opinion articles; in G1, it includes news reports. After automated collection, the material underwent manual screening to exclude duplicates, humorous content, and texts in which the STF was mentioned only incidentally or without substantive relevance. The final corpus comprised 3,379 texts, 1,134 from *Folha de S. Paulo* and 2,245 from G1. Of these, 855 recorded criticisms or attacks directed at the STF, its justices, or its decisions. Among these 855 texts, 561 were classified as attacks according to the criteria defined above; the remaining texts were coded as criticisms compatible with democratic accountability or as non-attack forms of institutional disagreement. The corpus therefore captures criticisms and attacks as reported or circulated in two major mainstream media outlets; it does not measure the full universe of attacks against the STF, nor does it measure their effects on public opinion or judicial behavior.

Coding was conducted in two stages. First, two trained undergraduate research assistants conducted preliminary coding, supported by weekly discussions of coding criteria and ambiguous cases. Second, all classifications were collectively reviewed and consolidated by the principal researcher, who examined the full material to ensure consistency across cases. The study therefore relied on iterative training, discussion of borderline cases, and final validation by the principal investigator.¹¹

Criticism of the STF by other branches of government may fall within the legitimate scope of institutional dissent, when it challenges the Court’s reasoning, transparency, consistency, or institutional performance without intimidation, disinformation, threats, or calls for noncompliance. During the pandemic, the STF repeatedly limited the actions of the federal executive, as in the rulings that guaranteed autonomy for states and municipalities to adopt public health measures and upheld mandatory vaccination. These rulings were frequent points of tension, situated in the realm of public policy effectiveness and the defense of collective health, positioning the Court as a counterweight to the federal government’s denialist and negligent stance. By contrast,

¹⁰ *Folha de S. Paulo* was selected as a leading national newspaper with a long-standing tradition of political coverage and opinion journalism, while G1 was chosen as Brazil’s most widely accessed free digital news portal, focused on real-time reporting (Reuters Institute for the Study of Journalism 2024). Taken together, these outlets capture both opinion-driven and fact-based narratives, offering complementary perspectives on public debates surrounding the Supreme Court. The purpose of this selection is not to produce an ideologically representative sample of the Brazilian media system, but to examine how attacks and criticisms circulated in two central mainstream outlets with distinct editorial formats. Although the analysis is limited to these two media sources and does not cover the entire Brazilian media spectrum, *Folha* and G1 occupy central positions in the Brazilian media ecosystem and provide a relevant corpus for examining mainstream public debate on the STF. This selection is therefore appropriate for analyzing central dynamics of mainstream media coverage of the STF during the period under study. Future research may expand the scope to additional outlets, partisan media, social media platforms, and digital networks.

¹¹ The Python script, the list of news items, and the coded datasets on PECs and impeachment petitions can be made available upon request, subject to copyright restrictions concerning the full text of journalistic materials.

attacks were coded when statements or reported actions sought to delegitimize the Court through disinformation, intimidation, threats, calls for noncompliance, accusations of criminality or corruption unsupported in the report, or portrayals of the Court as an illegitimate enemy.

Attacks were classified by content into five thematic categories, capturing both episodic confrontational strategies and more diffuse patterns of institutional erosion:

1. Discursive attacks and disinformation: general rhetorical attacks or false and distorted claims about the STF, its justices, or its rulings, aimed at undermining the institution's credibility before public opinion. This category includes statements portraying the Court or its justices as enemies of the people, partisan actors, authoritarian censors, or protectors of corruption, when the report does not primarily involve alleged undue influence or corruption, refusal to comply with rulings, physical threats, or proposals to alter the Court's institutional autonomy.
2. Co-optation and political pressure: insinuations or accusations of bias against justices, allegedly stemming from alliances with members of the legislative or executive branches or from ties to specific economic interests, including suspicions of bribery.
3. Defiance of judicial rulings: expressions of contempt or explicit refusal by public authorities to comply with STF decisions, such as statements that judicial orders would not be observed or deliberate omissions in executing them.
4. Violence and physical threats: Episodes of direct intimidation, such as threats of assault, harassment of justices, hostile protests outside their residences, or attempts to invade and vandalize STF facilities.
5. Public circulation of threats to institutional autonomy: media reports of statements, proposals, or initiatives seeking to weaken the Court's autonomy, including calls to impeach justices, create investigative committees, alter appointment rules, or interfere with the Court's budget and administrative structure. This category captures the public circulation of such threats, not the formal initiatives themselves, which were analyzed in the previous section.

Our analysis of the incidence of categories of attacks on the STF in the *Folha de S. Paulo* and on G1 (Table 1) shows significant differences in emphasis across types of occurrences. The first and most recurrent category corresponds to discursive attacks and disinformation, predominant in both outlets, but more prominent in G1 (69%) compared to *Folha* (48%). This category includes public statements by executive authorities and allies accusing justices of corruption, partisanship, or "selling rulings," as well as the dissemination of fake news on social media.

TABLE 1

Type of attack	Folha	G1	Total
Discursive attacks and disinformation	48%	69%	57%
Co-optation and political pressure	25%	9%	18%

Defiance of judicial rulings	18%	4%	12%
Violence and physical threats	5%	12%	8%
Public circulation of threats to institutional autonomy	4%	6%	5%
N	309	252	561

Table 1. Typology of attacks on the STF reported in the news, by outlet (2019–2022).

These differences should be read in light of the distinct editorial formats of the two outlets: *Folha*'s corpus includes opinion texts, columns, editorials, and opinion articles, which are more likely to register interpretive claims about political pressure, co-optation, and institutional defiance, whereas *G1*'s real-time news format tends to capture public statements, episodes of violence, and more direct rhetorical attacks.

An illustrative example is Senator Jorge Kajuru's accusation that Justice Gilmar Mendes was selling judicial decisions, immediately contested by the justice himself through a formal representation to the Court's president.¹² Also included in this category are large-scale digital campaigns portraying justices as "enemies of the people" or "protectors of corruption." Such attacks do not directly alter institutional structures, but seek to undermine the Court's symbolic legitimacy and foster distrust in its constitutional role.

The *Folha*, in turn, presents a higher proportion of reports on co-optation and political pressure (25%) and on defiance of judicial rulings (18%), while these themes appear less prominently on *G1* (9% and 4%, respectively). The first of these categories encompasses reports narrating episodes of attempts to capture or directly intimidate justices. Relevant examples include threats or declarations concerning impeachment petitions against members of the Court and initiatives by lawyers and legislators in international forums to denounce alleged misconduct, aiming to generate external embarrassment. Political pressure was also applied through attempts to link justices to private interests, such as in fiscal investigations involving Justice Gilmar Mendes and the Instituto de Direito Público.¹³ These initiatives, even when not resulting in legal consequences, functioned as political disciplining strategies directed at the Court.

The category of defiance of judicial rulings includes reports in which political authorities and party leaders, especially the President and its supporters, explicitly expressed their unwillingness to comply with STF orders. President Jair Bolsonaro's September 7, 2021 statement that he would no longer abide by Justice Alexandre de Moraes's rulings is emblematic of this posture of institutional insubordination. In addition, political leaders such as Roberto Jefferson¹⁴ engaged in acts of disobedience and incitement to resistance, challenging the coercive authority of judicial rulings. Such actions were meant to weaken the Court's authority and test the limits of its capacity to enforce the normative force of the Constitution.

¹² Jorge Kajuru was elected senator for the state of Goiás in 2018 with the right-wing Progressive Republican Party (PRP). He later joined the center-left Brazilian Socialist Party (PSB), the right-wing Patriota, and the centrist Citizenship Party (Cidadania), before affiliating with the right-wing Podemos in 2021. The senator returned to the Brazilian Socialist Party (PSB) in January 2023.

¹³ The Instituto de Direito Público (Institute of Public Law - IDP) is a private higher education institution founded by Justice Gilmar Mendes in Brasília, often cited in debates around potential conflicts of interest.

¹⁴ Roberto Jefferson, a former federal deputy impeached for his role in the Mensalão scandal, reemerged between 2019 and 2022 as a far-right political figure and one of Jair Bolsonaro's most vocal allies, known for his aggressive attacks on the Supreme Court and democratic institutions.

A fourth dimension of attacks consists of violence and physical threats, directed both at individual justices and at the institution as a whole, more frequently reported by G1 (12%) than by the *Folha* (5%). Notorious cases include death threats against justices investigated in the scope of the Fake News Inquiry, as well as the incident in which supporters of President Bolsonaro launched fireworks at the Court headquarters in Brasília, accompanied by insults and chants calling for its closure. These practices of symbolic and material intimidation signal a willingness to move beyond the discursive realm and resort to violence as a political instrument.

The category of public circulation of threats to institutional autonomy, almost residual in the corpus (4% in *Folha* and 6% on G1), brings together reports of statements, proposals, or initiatives seeking to structurally reconfigure the role and composition of the STF. Notable examples include the constitutional amendment proposal reducing the mandatory retirement age of justices from 75 to 70, thereby reversing the so-called “PEC da Bengala” and expanding presidential appointment opportunities, as well as speeches advocating an increase in the number of justices or the introduction of fixed terms. Such proposals, often articulated with executive support and backed by parliamentary allies, represent efforts to rewrite the institutional rules under which the Court operates. In this section, they are considered only insofar as they circulated publicly as reported threats to institutional autonomy; the formal initiatives themselves were analyzed in the previous section.

Taken together, the five categories outline a comprehensive picture of the offensive against the STF during the period under review. Discursive attacks and disinformation, along with threats of violence, operate primarily as insidious attacks, in the sense that they seek to portray the Court as illegitimate and normalize its public vilification. Defiance of rulings and direct political pressure on justices constitute examples of vulgar attacks, as they represent immediate attempts to condition judicial behavior in concrete cases. Public circulation of threats to institutional autonomy, expressed in speeches advocating constitutional or legislative changes, corresponds to systemic pressure aimed at rewriting the institutional conditions under which the Court operates. The empirical typology of the five categories thus connects to the analytical definitions of the three types of attacks (Moliterno and Čuroš 2021), showing the existence of articulated strategies that combine symbolic hostility, direct intimidation, and normative reengineering to weaken the role of the STF in Brazil’s democratic process.

Attacks were also classified by target, drawing on theories of institutional legitimacy (Easton 1975, Gibson and Nelson 2014), which distinguish between diffuse and specific support for constitutional courts. The first type of attack targets the institution itself and is interpreted as a potential threat to diffuse support, that is, general legitimacy and public trust in the Court as a pillar of the democratic system. Other attacks target individual justices or specific rulings and are interpreted as pressures on specific support, linked to the Court’s concrete and contingent actions. This analytical distinction, also adopted by Da Ros and Bogéa (2022) and Castagnola (2020), allows for an evaluation not only of the intensity of attacks but also of their potential impact on the Supreme Court’s institutional stability.

The data in Table 2 show that in the *Folha*, news about attacks are relatively evenly distributed between justices (42%) and the institution (40%), while on G1 there is a

sharper predominance of attacks directed at the institution (67%). Justice Alexandre de Moraes stood out as the most frequently targeted, appearing as a central figure in multiple categories of attacks. These ranged from explicit threats of physical violence to rhetorical offensives in which his rulings were often vehemently criticized. In addition, systematic disinformation campaigns sought to link him to illicit practices or question his impartiality, reinforcing narratives of illegitimacy. Reports also included attempts to initiate impeachment proceedings against him, used more as instruments of political pressure than as plausible institutional mechanisms.

TABLE 2

Target	Folha	G1	Total
Institution	40%	67%	52%
Justice	42%	28%	36%
Decision	18%	4%	12%
N	309	252	561

Table 2. Target of attacks reported in the news, by outlet (2019–2022).

In second place, Justice Gilmar Mendes was the subject of a significant volume of attacks, predominantly anchored in corruption narratives and impeachment requests. Reports recorded unfounded accusations associating him with the sale of judicial decisions or with political maneuvers allegedly favoring his interests. This pattern underscores the instrumentalization of anti-corruption discourse as a delegitimizing strategy. Although some articles included statements in his defense, the predominance of criticisms tied to widely reported scandals consolidated his position as one of the main targets of campaigns of institutional erosion.

Justice Dias Toffoli, in turn, occupied an intermediate position in terms of attack intensity, which intensified during his tenure as STF president. Criticisms focused mainly on his administrative leadership and on decisions in politically sensitive cases. Rumors disseminated through disinformation linked his name to corruption scandals, and impeachment requests were also articulated against him, functioning primarily as tools of political contestation.

Beyond rhetorical aggressions and delegitimizing narratives, more serious cases revealed direct threats to the physical integrity of justices and their families. Inquiries from the so-called “fake news” investigation, reported by G1, identified 72 cases referred to lower courts, involving crimes ranging from offenses against moral integrity to death threats, as well as violations under the National Security Law. Noteworthy episodes include death threats with identified authorship, including a declaration of intent to shoot a justice inside the Court’s headquarters, social media posts calling for the summary execution of all justices and the burning of the Court’s plenary chamber, the detonation of an explosive device outside a justice’s residence, an attempted physical assault after a public lecture, deep web messages attributed to a terrorist cell revealing concrete data on the routines of justices, the planning of an attack at an airport detailing a justice’s travel with family members, and the hacking of personal and institutional email accounts with appropriation and dissemination of sensitive data.

In sum, the analyzed episodes demonstrate that STF justices were subjected to a wide spectrum of attacks, ranging from aggressive rhetoric to organized violence, even

reaching their families. This dynamic indicates not only the intensification of hostility toward the institution but also the degree of radicalization of certain social segments, whose actions generated concrete risks to the security of judicial authorities, culminating in the invasion of the STF on January 8, 2023.

Attacks against specific decisions, meanwhile, appear in smaller proportion in both outlets, especially on G1 (4%). These data suggest that, although the distribution varies by outlet, the STF as an institution appears as a central target of reported attacks.

With respect to attack authorship, Table 3 presents the percentage distribution by type of actor. In the *Folha de S. Paulo*, the main individual perpetrator is former President Bolsonaro, responsible for 38% of the occurrences, followed by actors identified as “bolsonaristas”¹⁵ (19%). On G1, the presence of bolsonaristas is even more pronounced (43%), while Bolsonaro himself accounts for 26% of occurrences. Federal legislators appear consistently in both outlets (14% in the *Folha* and 12% on G1), while security and justice institutions members¹⁶ carry greater weight only in the *Folha* (14%, compared to 4% on G1). Journalists or opinion columnists (6% in the *Folha* and 3% on G1) and state- and local-level politicians (3% and 9%, respectively) appear less frequently, as does the residual category “others,” which includes businesspeople, civil servants from other institutions, liberal professionals such as physicians, and other members of civil society (6% and 3%).

These data highlight the centrality of bolsonarismo in the rhetoric of attacks on the STF during the period analyzed, whether directly through statements by then-President Bolsonaro or through the actions of his political allies and supporters. At the same time, they reveal the non-negligible participation of legislators and, to a lesser extent, of other institutional actors and civil society.

TABLE 3

Author	Folha	G1	Total
Bolsonaro	38%	26%	32%
Bolsonaristas	19%	43%	30%
Security and justice institutions	14%	4%	10%
Federal legislators	14%	12%	13%
Journalists / opinion columnists	6%	3%	5%
State- and local-level politicians	3%	9%	6%
Others	6%	3%	4%
N	309	252	561

Table 3. Authors of attacks reported in the news, by outlet (2019–2022).

The analysis of journalistic coverage shows that between 2019 and 2022 the STF was a recurrent target of discursive attacks, political pressures, and even episodes of physical violence, with disinformation strategies and delegitimizing rhetoric predominating (Table 1). These attacks were directed both at the institution, potentially affecting diffuse

¹⁵ The term “bolsonaristas” refers to Bolsonaro’s loyal supporters and political base, encompassing activists aligned with his far-right agenda, often mobilized through social media and street demonstrations.

¹⁶ The category “security and justice institutions” includes police officers, prosecutors, military personnel, and other members of law enforcement or justice-related institutions.

legitimacy, and at individual justices and specific decisions, exerting pressure on specific support (Table 2).

The authorship of these attacks was marked by the centrality of *bolsonarismo*, whether directly by Jair Bolsonaro or through his allies and supporters (Table 3). The STF thus became a preferential target of populist right-wing forces, especially *bolsonarismo*, through discursive and legislative strategies aimed at restricting its authority. The Brazilian case illustrates the dilemma of supreme courts in democracies in crisis: the more central their role, the greater their vulnerability to political offensives and narratives seeking to undermine their autonomy. As highlighted in national and comparative research, systematic attacks on supreme courts by presidents and parliamentary majorities constitute an authoritarian strategy to weaken judicial independence (Castagnola 2020, Da Ros and Bogéa 2022).

Compared with the formal initiatives analyzed above, informal attacks were less procedurally constrained, more personalized in their rhetoric, and more directly connected to the symbolic dispute over the Court's legitimacy. Yet both arenas converged around similar targets, especially the institution as such and justices associated with politically salient decisions.

6. Conclusion

Between 2019 and 2022, amid heightened political polarization and escalating rhetoric of institutional confrontation, the STF became a recurrent target of formal initiatives and informal delegitimizing pressures aimed at constraining its authority. We identified seventy impeachment petitions and twenty-seven constitutional amendment proposals, in addition to more than 3,300 media texts, of which 855 reported criticisms or attacks directed at the Court, its justices, or its decisions. Although these initiatives displayed limited capacity to produce effective normative change, their political and symbolic relevance was considerable, keeping the STF at the center of public disputes and aligning with patterns of pressure against constitutional courts documented in democracies under stress (Landau 2013, Scheppele 2018, Huq *et al.* 2018, Šipulová and Kosař 2023).

The analysis distinguished between criticisms and reform proposals compatible with democratic accountability and attacks aimed at weakening the Court's legitimacy, independence, or authority. A smaller subset of criticisms and institutional adjustment projects remained within the legitimate framework of accountability and, in some cases, was oriented toward transparency, efficiency, or judicial responsiveness (Stephenson 2023). By contrast, a significant part of the corpus consisted of delegitimizing pressures and restrictive initiatives, including episodic pressures on specific rulings, impeachment petitions against individual justices, constitutional amendment proposals affecting the Court's autonomy or authority, and discursive campaigns directed at what the literature conceptualizes as the Court's diffuse legitimacy and the specific support attached to individual justices and politically salient decisions.

These findings converge with other studies showing that courts' vulnerability arises from the interaction between institutional arrangements and sociopolitical dynamics. Impeachment petitions and legislative projects operated primarily as instruments of political pressure and symbolic contestation rather than as effective mechanisms for removing justices, controlling decisions, or rewriting institutional rules (Da Ros and

Bogéa 2022). At the same time, informal delegitimizing pressures were part of a hostile public environment in which restrictive initiatives against the Court could be framed as politically justifiable. This dynamic underscores the importance of treating formal court-curbing initiatives and informal pressures as analytically distinct but politically connected phenomena.

The comparison between formal and informal arenas reveals both convergence and differentiation. In both arenas, right-wing actors and Bolsonaro-aligned groups played a central role, but the mechanisms differed. Formal initiatives operated through legal-institutional instruments, especially impeachment petitions and constitutional amendment proposals, with low probability of immediate success but high value as political signaling. Informal pressures, by contrast, operated through rhetorical delegitimation, disinformation, threats, and public defiance, targeting both the Court's diffuse legitimacy and the authority of specific justices. The two arenas therefore did not merge into a single phenomenon, but interacted by connecting institutional contestation to broader public narratives of illegitimacy.

As Da Ros and Taylor (2022) demonstrate, the tension between the Executive and the Judiciary during Bolsonaro's presidency reflected a broader pattern of accommodation and confrontation, in which the STF acted both as a veto player and as a target of populist backlash. This dual role amplified the Court's public visibility, making it simultaneously a central actor in the defense of constitutionalism and a preferential target of political discontent. In this sense, the Brazilian case illustrates a broader paradox of courts under stress, in which public visibility may enhance authority while also heightening vulnerability to political and symbolic attacks.

The Brazilian experience also highlights the fragility of the boundary between legitimate accountability and illiberal attack. Judicial reforms and criticism are not inherently antidemocratic. They may strengthen transparency, oversight, and institutional responsiveness. However, when reforms are designed to reduce jurisdiction, constrain decision-making authority, enable external political control, threaten tenure security, or delegitimize the Court as an institution, they move from accountability into the realm of attack. The same applies to public criticism, as disagreement with judicial decisions is compatible with democratic politics, but disinformation, intimidation, threats, and rhetoric portraying the Court as an illegitimate enemy operate as delegitimizing pressures.

The systematization of formal and informal modalities of pressure against the STF shows that risks to judicial autonomy do not stem solely from drastic institutional reforms, but also from the cumulative interaction of symbolic and narrative assaults that seek to weaken judicial legitimacy. Comparative scholarship emphasizes both institutional safeguards, such as constitutional rigidity clauses and transparent appointment procedures (Landau 2013), and sociopolitical buffers, including the role of civil society, the press, and transnational networks in deterring illiberal offensives (Scheppele 2018). The Brazilian case adds to this literature by showing how, in a polarized environment, legal instruments, legislative proposals, impeachment petitions, public rhetoric, and media-reported attacks may combine to target the authority and legitimacy of a constitutional court.

Altogether, these findings contribute to the sociology of law by demonstrating how democratic erosion unfolds not only through formal legal reforms, but also through symbolic and narrative disputes over judicial authority, legitimacy, and institutional boundaries. Protecting judicial independence, therefore, requires attention not only to institutional design, but also to the public conditions under which courts are represented, contested, and legitimized.

This distinction also speaks to broader comparative debates on court reform. As Epps (2025) argues in the context of debates over reform of the U.S. Supreme Court, even institutional changes presented as efforts to improve accountability may be filtered through partisan lenses in polarized democracies. In Brazil, this paradox is also visible in initiatives framed as institutional modernization but oriented toward constraining the judiciary. This reinforces the article's central distinction between reforms compatible with democratic accountability and attacks aimed at weakening judicial independence, authority, or legitimacy.

The developments analyzed here also point to future research agendas beyond the 2019–2022 period. Future research should deepen the analysis of how the STF and other constitutional courts respond to such pressures, including the democratic costs and benefits of judicial self-defense, communicative strategies, and institutional adaptation in polarized regimes. One relevant line of inquiry concerns whether courts' oscillation between assertiveness and restraint constitutes a deliberate resilience strategy or an adaptive response to shifting political incentives, as suggested by Porat (2023). Another concerns the effects of delegitimizing rhetoric and judicial responses on public trust, since trust dynamics may depend both on courts' substantive decisions and on the narrative frames through which they are communicated (Cruz 2024).

A third line of inquiry concerns whether and how pressures against constitutional courts acquire transnational dimensions, including through sanctions regimes, geopolitical disputes, and competing narratives about judicial independence, sovereignty, and democratic accountability. Recent post-2022 developments involving foreign pressure on STF justices suggest the relevance of this agenda, although they fall outside the empirical scope of this article.¹⁷

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¹⁷ On July 30, 2025, the U.S. Department of the Treasury designated STF Justice Alexandre de Moraes under Executive Order 13818, which implements the Global Magnitsky Human Rights Accountability Act, alleging censorship and serious human rights abuses. On December 12, 2025, OFAC removed Alexandre de Moraes from the Specially Designated Nationals List. See U.S. Department of the Treasury 2025, Office of Foreign Assets Control 2025.

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