

Luís Roberto Barroso.

La Revue publie ici le discours de Luís Roberto Barroso, ancien président de la Cour suprême du Brésil, lors de l'ouverture du congrès international de droit constitutionnel de Bogota, le 6 juillet 2026.

I. Initial remarks

1. *Love in the Time of Cholera* is the title of one of the most beautiful works by the Colombian author Gabriel García Márquez, winner of the 1982 Nobel Prize in Literature. The book tells a story of love that survives the passage of time, despite difficulties, delays, epidemics, wars, poverty, and inequality. It is not a love lived in an ideal world. It is love between reality and illusion, passion and decay, loss and resurgence.
2. Being here in Colombia, the birthplace of one of the greatest writers in world literature, I thought this would be a fitting metaphor to discuss the rise, recession, and revival of democracy in our own times of cholera. It is also worth recalling that Oxford chose “rage bait” as the expression of the year for 2025 – a revealing sign of the political and informational environment in which democracy now struggles.
3. I have divided this presentation into three parts: 1. The rise of democracy; 2. The democratic recession; 3. How to revive democracy.

Part I. *The rise of democracy*

I. The winning ideology

Constitutional democracy was the winning ideology of the 20th century, rising above the alternative projects that appeared over the decades: communism, fascism, nazism, military regimes, and religious fundamentalisms.

II. Two sides of the same coin

Constitutional democracy is a concept that contains two sides of the same coin: on one side is popular sovereignty, free and fair elections, and majority rule; on the other is limited power, the rule of law, and respect for fundamental rights.

Some will say that it was not democracy that prevailed, but capitalism.

III. Supreme Courts

Most of the world's democracies also include, in their institutional arrangement, a supreme or constitutional court that has as one of its main missions to arbitrate the conflicts that sometimes arise between democracy – that is, the will of the majority – and constitutional values: respect for the rule of law and the fundamental rights of all.

Contemporary democracies are built on votes, rights, and reasons. This means that they are not limited to the electoral process, to majority rule, but also require respect for everyone's rights and an ongoing public debate that legitimizes political decisions.

Part II. *The democratic recession*

I. Something seems to have gone wrong

Although constitutional democracy was, as noted, the winning ideology of the twentieth century, something seems to have gone wrong with democratic constitutionalism in recent years, in different parts of the world, in a scenario that has been characterized by different authors as democratic recession, democratic backsliding, abusive constitutionalism, competitive authoritarianism, illiberal democracy, or autocratic legalism, among other derogatory terms.

According to organizations that monitor the state of democracy around the world, such as Freedom House and V-Dem, democracy has been in persistent decline in approximately half of the world's countries.

II. Examples throughout the world

The expressions have been used to identify experiences like those that have taken place in different countries, such as Hungary, Poland, Turkey, Russia, The Philippines, Venezuela and Nicaragua, among others, including Brazil. Even consolidated democracies have suffered from the advances of populism and extremism, such as the United Kingdom, France, Germany, and the United States.

III. Elected leaders, not coup d'État

In all these cases, as has been pointed out by Levitsky and Ziblatt, the erosion of democracy did not occur through a coup d'état, under the arms of some general and his subordinates. In the examples above, the process of democratic subversion took place at the hands of presidents and prime ministers initially elected by popular vote^[1].

What's happening in the world?

IV. The rise of authoritarian populism

1. One important factor for democratic backsliding is the rise of authoritarian populism. In many countries, charismatic leaders come to power through elections. They do not abolish democracy overnight. They hollow it out from within.
2. Their strategy usually follows a familiar playbook. First, they divide society into "us" and "them." "Us" means the real people: hardworking, decent, patriotic, conservative. "Them" means the enemies of the people: globalist elites, progressives, corrupt politicians, judges, journalists, intellectuals, foreigners, minorities.
3. Second, they weaken the institutions that mediate and constrain political power: legislatures, courts, the press, universities, civil society, and independent agencies. Third, they mobilize society through emotion. They exploit fear. They cultivate resentment. They spread mistrust. And they encourage radicalization.

The result is a politics of permanent conflict. Not adversaries, but enemies. Not disagreement, but betrayal. Not pluralism, but existential struggle.

V. Some consequences of authoritarian populism

1. *Loss of civility.* It is part of the playbook of authoritarian populism to morally disqualify the opponent.
2. *Global articulation of far-right extremism and capture of the conservative camp.* Classical conservative thought favors the *status quo* and gradual changes when inevitable. However, conservatives in many parts of the world came to be dominated by extremism, which has a disruptive component to the *status quo*, presenting itself as an enemy of the establishment. Since institutions are allegedly controlled by liberals, they must be discredited.
3. *Political manipulation of people's religiosity.* In many parts of the world, authoritarian populism captures religious leaders to advance its purposes. The rhetoric includes claims such as « my opponent does not defend Christian values and the family » or « they are agents of the devil. »

An intriguing phenomenon here is the combination of an ultra-liberal economic view (in the European sense, meaning radically pro-business and against state regulation) with an ultra-conservative stance on social issues: opposing women's rights, LGBTQ+ rights, and affirmative actions.

4. *Loss of the importance of truth,* with the use of social media to spread disinformation, hate speech, and

conspiracy theories. The use of lies and reckless character assassination is a common strategy of authoritarian populism. This strategy of amoral guerrilla warfare is hidden behind the mantle of freedom of expression.

5. *Disregard for knowledge institutions.* This disdain is evident in attacks on the press, universities, think tanks, and intellectuals in general.

Parte III. *How to revive democracy*

Alongside authoritarian populism — although at times intensified by it — many other factors contribute to democratic backsliding. Let me mention some of them and the possible reactions that could help revive democracy.

1. Addressing the loss of confidence in political representation

Elections remain indispensable to democracy, but they are not enough. This is true not only because cases of authoritarian legalism have multiplied, but also because of the sharp decline in public confidence in politics and in representative institutions. Almost everywhere in the world, citizens are dissatisfied with their electoral systems and do not feel genuinely represented.

It is therefore necessary to reduce the cost of elections, bring greater transparency to campaign spending, adopt electoral systems that bring voters closer to candidates, and strengthen and democratize political parties.

Elections must be free and fair. But those who take part in the democratic game must also accept the possibility of losing. The refusal to accept legitimate electoral defeat is one of the most dangerous signs of democratic erosion.

2. Addressing the problems brought by new technologies: disinformation and the crisis of truth

The Digital Revolution, the Internet, and technology platforms have democratized access to information, knowledge, and the public sphere. But they have also opened wide avenues for disinformation, hate speech, and conspiracy theories.

The business model of digital platforms is based on data collection and engagement. Tragically, content that provokes outrage, disgust, or anger generates much more engagement. This creates a perverse incentive to promote what is harmful. It is one of the causes of radicalized and extremist polarization.

Disinformation should not be fought through government censorship. The proper path is democratic regulation of platforms, based on transparency, accountability, due process, and the protection of freedom of expression. Some important measures include: first, transparency in recommendation algorithms; second, independent audits of systemic risks; and third, the identification of content produced by artificial intelligence.

3. Reclaiming space for traditional media

In a democracy, traditional media — television, radio, and print journalism — are private businesses. Yet they perform an important public-interest function: they create a shared set of facts, verified according to journalistic technique and ethics. On the basis of checked and shared facts, people form their opinions.

What has happened in many parts of the world, with the decline of professional journalism and its replacement by social media and bloggers, is that each tribe now creates its own narrative, and truth collapses. Lies have become a widely practiced political strategy. The modern information ecosystem has fundamentally fractured the shared reality required for democratic deliberation.

It is therefore essential to defend freedom of expression and strengthen professional journalism, including by seeking sustainable funding models. Recently, we have seen agreements between artificial intelligence companies and major media organizations.

4. Investing in civic and media education

Democracy needs citizens capable of distinguishing fact from opinion, legitimate criticism from conspiracy theory, journalism from propaganda, and disagreement from hatred.

Democracy is not sustained by rules alone. It depends on a democratic culture: tolerance, pluralism, willingness to listen, acceptance of electoral defeat, and respect for institutions.

5. Fighting corruption and the capture of the State by extractive elites

In many countries, extractive elites capture the State and place it at the service of their own interests, through tax privileges, patronage politics, and public policies that benefit specific groups — when not through plain corruption, involving bribes and decisions taken for improper purposes.

A free press, active citizenship, and a conscious vote are indispensable elements for changing certain historical and deeply rooted distortions.

6. Containing the advance of organized crime

In many countries, and with particular gravity in Latin America, the advance of organized crime has become a democratic risk because of the capture and contamination of institutions. Criminal organizations are becoming immensely powerful, including through territorial control over parts of these countries. Democracy survives formally, but loses its substance.

The response must be much broader than occasional police operations. It must include: a) financial intelligence; b) the fight against money laundering; c) the tracking of illicit flows; d) control over ports, borders, and logistics chains; e) reform and oversight of the prison system; f) protection of vulnerable territories; g) the fight against police and political corruption; h) international cooperation; and (i) the restoration of State presence in areas dominated by criminal groups.

7. Progressively overcoming poverty and inequality, and managing social frustration

Democracy has not been able to fulfill all of its promises, including the promises of equal opportunity and prosperity for all. Beyond principles and procedures, democracy must also deliver results.

When individuals experience unemployment, wage stagnation, poor public services, and concentration of wealth at the top of the pyramid, frustration is inevitable. Democracy is increasingly suffering from a crisis of performance. This scenario opens space for demagoguery and populism, which offer easy and wrong solutions for complex problems.

A democracy that does not improve people's lives loses legitimacy. Voting is no substitute for jobs, security, health care, education, transportation, and a sense of future. For this reason, the defense of democracy requires effective public policies.

These include a) quality basic education; b) efficient public health care; c) citizen security; d) sanitation; housing; e) urban mobility; f) digital inclusion; professional training; g) the reduction of inequalities; and h) sustainable economic growth.

Democracy cannot be merely procedural. It must also be performance-oriented, in the best sense of the word: it must show that it is capable of solving real problems.

8. Reducing the inability of national governments to address problems

that are global

Many of today's major problems are transnational and lie beyond the reach of local governments. From climate change to cybercrime, from the organization of international trade to wars that affect the global economy, democratically elected public officials often lack the capacity to provide effective responses. Interest rates in the United States, for example, directly affect the level of foreign investment in emerging countries.

Here too, there are no easy answers. But the search for better global governance must include: a) international cooperation against money laundering; b) agreements against cybercrime; c) effective climate governance; d) international tax coordination; e) common regulation of artificial intelligence; f) representative and effective multilateral institutions; and g) regional mechanisms for the defense of democracy.

There is today a mismatch: citizens demand results from national governments, but many of the causes of their problems lie beyond national borders. Reducing this mismatch is essential to restoring trust.

9. Regulating artificial intelligence

Artificial intelligence has entered our lives with overwhelming speed. Its positive potential is enormous, from decision-making to medicine, from language to everyday tasks. But it also brings a wide range of risks, from its impact on the labor market to its use in warfare.

As regards democracy, AI may aggravate existing problems: disinformation, electoral manipulation, algorithmic discrimination, abusive surveillance, and concentration of private power.

Some important measures to curb those problems include a) rules for electoral deepfakes; b) identification of synthetic content; c) auditing of systems used by public authorities; d) strict control of uses that may endanger fundamental rights; e) transparency in automated decision-making; f) algorithmic impact assessments; g) protection of personal data; and (h) accountability of providers and operators.

10. Preserve the quality, integrity, and independence of supreme courts

Supreme Courts or Constitutional Courts, in some parts of the world, have been the main line of defense against authoritarian populism and other democratic deviations. Where they are able to preserve their independence, democracy has been able to survive. This was the case in Brazil. Where courts are captured by those in power and filled with submissive judges aligned with the government, the

authoritarian process unfolds without limits. This was the case in countries such as Russia, Hungary, and Venezuela.

Conclusion

1. Democracy weakens and may even die when adversaries come to be treated as enemies; when disagreement becomes betrayal; when lies become a method of politics; and when electoral victory is understood as authorization to destroy all limits.

2. In simple terms, democracy must be defended in three dimensions:

(i) *Institutional defense*: clean elections, an independent Judiciary, a free press, the rule of law, oversight bodies, and limits on power.

(ii) *Social progress*: the fight against inequality, inclusion, education, security, efficient public services, and the rebuilding of trust.

(iii) *Governance for a new era*: a) democratic regulation of digital platforms, b) protection against disinformation, c) control of artificial intelligence, d) the fight against organized crime, and e) international cooperation.

3. The world is going through dark times – marked by wars, the resurgence of the law of the strongest, extremism, and intolerance. Democratic constitutionalism must be the light that shines and guides us through the darkness.

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[1] Steven Levitsky & Daniel Ziblatt, *How democracies die* 3 (Crown 2018).