The Discursive Construction of the Past

Initiatives Concerning the Legacies of Dictatorship in Brazil (1995-2016)

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Cover image: Photo by the Collective *Margens Urbanas*, taken during the artistic intervention “Pátria Armada, Brasil” enacted in April 2016 in Fortaleza, Ceará. Used with permission.
THE DISCURSIVE CONSTRUCTION OF THE PAST
INITIATIVES CONCERNING THE LEGACIES OF
DICTATORSHIP IN BRAZIL (1995-2016)

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Dutch translation:


Portuguese translation:

History is layered. But the layers are not stacked neatly. The disrupting force of the present puts pressure on the past, scattering pieces of it forward into unanticipated locations. No one owns these pieces. (...) When the layers of history are superimposed in a way that only one’s own history can be read through them, the horrors of the past are repeated precisely in the process of paying them infinite due. Never again ends up being always the same.

- Susan Buck-Morss, ‘The Gift of the Past’
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List of Abbreviations

**AERP** – Special Public Relations Consultancy (*Assessoria Especial de Relações Públicas*)

**ARENA** – National Renewal Alliance (*Aliança Renovadora Nacional*)

**ARP** – Public Relations Consultancy (*Assessoria de Relações Públicas*)

**CDDPH** – Counsel for the Defence of the Rights of the Human Person (*Conselho de Defesa dos Direitos da Pessoa Humana*)

**CDN** – National Defence Council (*Conselho de Segurança Nacional*)

**CEMDP** – Special Commission on Political Deaths and Disappearances (*Comissão Especial sobre Mortos e Desaparecidos Políticos*)

**CENIMAR** – Navy Intelligentsia

**CGI** – General Commission of Investigations (*Comissão Geral de Investigações*)

**CNV** – Brazilian National Truth Commission (*Comissão Nacional da Verdade*)

**DHA** – Discursive-Historical Analysis

**DOI-CODI** – Department of Information Operations—Centre for Internal Defence Operations (*Departamento de Operações de Informações—Centro de Operações de Defesa Interna*)

**DOPS** – Department of Political and Social Order (*Departamento de Ordem Política e Social*)

**IACHR** – Inter-American Court of Human Rights

**IBGE** – Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística*)

**IBOPE** – Brazilian Institute of Public Opinion and Statistics (*Instituto Brasileiro de Opinião Pública e Estatística*)

**IPEA** – Brazilian Institute for Applied Economic Research (*Instituto de Pesquisa Econômica Aplicada*)

**MDB** – Brazilian Democratic Movement (*Movimento Democrático Brasileiro*)

**MPF** – Federal Prosecutions Office (*Ministério Público Federal*)

**PCB** – Brazilian Communist Party (*Partido Comunista Brasileiro*)

**PC do B** – Communist Party of Brazil (*Partido Comunista do Brasil*)

**PNDH-3** – Third National Human Rights Plan (*Programa Nacional de Direitos Humanos*)

**PT** – Workers’ Party (*Partido dos Trabalhadores*)

**SNI** – National Information Service (*Serviço Nacional de Informações*)
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Chapter 1. Introduction

*Time past and time future point to one end, which is always present.* Among theorists, there is some agreement that the modern historical temporality is in decline. The modern concept of time, characterised by the French poet Charles Baudelaire as openness to rapid change, is now in flux. The future has ceased to be a metaphorical storeroom for hopes and dreams; the ‘horizon of expectation’ (Koselleck 2004) is marred by anxieties and seemingly insurmountable problems delivered at an ever-faster pace on a global scale. Thus we are said to live “in catastrophic times” (Stengers 2015). As Elizabeth Jelin (2009) notes, in the complex temporality of the now which is still in formation, individuals are invited to navigate “Present Pasts” (Huyssen 2003) and deal with “Ever Present Pasts” (Conan and Rousso 1998). The latter refers to a reading of the 20th century through the prism of the legacies of trauma and tragedy. The importance of the concept of time in episodes of historical injustice has been documented by Berber Bevernage, who affirms that “the present is ‘out of joint’ because it fuses and incorporates elements coming from the past and the future; it is always haunted by ghosts or revenants” (2008, 162).

The notion of a past-stuck-in-the-present invites a reading of unresolved past injustices that sometimes (re)emerge in the present, producing their own tensions. There is widespread uncertainty about how to conceptually frame this process. Such episodes have been conceptualised under the terms of a “politics of reconciliation: ethics of apology; forgiveness; trauma and healing; theories of collective responsibility; memory and remembrance; and reparations” (Kymlicka and Bashir 2008, 6). And the process of addressing the fresh slew of problems has been referred to as ‘dealing with,’ ‘treating,’ ‘working over,’ ‘confronting,’ ‘coping with,’ ‘coming to terms with’ or even attempt to ‘overcome’ the past (Ash 2004, 3).

Since the 1970s a transnational flow of memory politics steeped in the memory of the Shoah has been underway, with ever wider standardisation of a particular discourse and moral standards (Huyssen 2003; Levy and Sznaider 2006; Rothberg 2009). Transitional justice has grown into a booming field of academic research dedicated to helping

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countries overcome past conflict and trauma. The discipline offers ambitious perspectives on how post-conflict societies can tackle their past which leads to (often-interrelated) legal, political and social challenges.2

Latin American countries that have been through authoritarian regimes in the latter half of the 20th century have found different ways to deal with the legacies of widespread human rights abuse of their authoritarian pasts. While some countries opted for amnesty and amnesia, dealing with the past through silence and letting bygones be bygones, others pursued a more critical public debate about their sensitive heritage. Responses have included rewriting history, attempts at reconciliation, and investigations followed in some cases by trials, prosecutions and purges.

This dissertation is a contribution to the knowledge of Latin American politics of memory and public memory policies that address the legacies of recent authoritarian experiences. It examines Brazil’s process of memorialisation of its most recent dictatorial regime (1964-1985), focusing on initiatives concerning the legacies of dictatorship designed and implemented by the executive power of the federal government between 1995 and 2016: CEMDP, the Amnesty Commission, Revealed Memories and CNV.3

Brazilian transitional justice initiatives make an interesting case study, one with clear similarities to other cases, while at the same time presenting its own challenges. An amnesty negotiated in 1979 as part of the country’s transition to democracy protected the military authorities who commanded the repression as well as civilian allies and financial backers. That amnesty still casts a long shadow in Brazil’s memorialisation of the dictatorship (Abrão and Torelly 2011). Despite legal disputes and international

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3 CEMDP stands for Comissão Especial sobre Mortos e Desaparecidos Políticos (“Special Commission on Political Deaths and Disappearances.” henceforth “CEMDP”) and CNV stands for Comissão Nacional da Verdade (“Brazilian National Truth Commission” henceforth “CNV”). The Amnesty Commission and Revealed Memories’ original names in Portuguese are Comissão de Anistia and Memórias Reveladas, respectively.
pressure, former military officials remain shielded from prosecution, with impunity for the crimes against humanity they perpetrated as representatives of the regime.

The initial strategy adopted by the Brazilian federal government to address the legacy of widespread human rights abuse was financial reparation to victims. A truth commission was implemented and official investigations were conducted only much later, twenty-seven years after the end of the authoritarian regime. With the benefit of hindsight, it can be suggested that Brazil’s initiatives concerning the legacies of dictatorship deviated from what is now considered standard transitional justice practice of conducting investigations to determine responsibilities and then pay reparations (Cavallaro 2001, 202; Hamber 2010).

What truly makes the transitional justice initiatives in Brazil important and urgent as a case study is the fact that after projects to deal with the past had been implemented and the reckoning was well on its way, revisionist and negationist perspectives gained traction in society. Although there had always been Brazilians who privately held a positive view of the regime, public manifestations in favour of the military regime are a new development. In 2014, the year when CNV concluded its investigations on crimes against humanity committed by regime representatives during the dictatorship, thousands of pro-military demonstrators called for a new political intervention by the military. In 2018 a carnival street party commemorating the repressive system of the regime was organised in São Paulo, “DOPS Basement” (“Porão do DOPS”). Its promotional material paid tribute to individuals responsible for the torture of dissidents. It was cancelled following judicial orders. Even more significantly, in 2018 the ultraconservative far-right politician Jair Bolsonaro was elected as Brazil’s president.

A retired Captain who was a Federal Deputy for twenty-eight years, throughout his political career Bolsonaro has been an unequivocal supporter of the military dictatorship. He has consistently opposed human rights agendas—with disparaging remarks about women, blacks, gay men and indigenous people. At the same time, he expresses favourable views on torture and affirms that more regime opponents should have been killed during the post-1964 regime. His nostalgia for the right-wing military dictatorship

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4 Jair Bolsonaro was a Federal Deputy and participated in the Congressional session that decided in favour of Dilma Rousseff’s impeachment process. Upon casting his vote, he extolled the memory of Col. Ustra (head of the DOI-CODI in São Paulo), one of the most heinous torturers during the regime, whom the Brazilian President considers a national hero (Folha de São Paulo 2019b). The image on the cover of this dissertation shows an
epitomises the opposite of what the initiatives designed to deal with the legacy of human rights violations promote. Bolsonaro’s rhetoric is turning into political action, with legislation under consideration to grant more flexibility on gun ownership rules and a wider understanding of self-defence in lethal action by police officers (deemed carte blanche by some). The support for his tough, firm-handed approach to criminal justice issues is not the outcome policymakers expected following two decades of initiatives devoted to creating a shared human rights culture, raising public awareness about human rights and constructing a discourse about the regime grounded in the imperative of non-repetition—“nunca mais.”

Jair Bolsonaro maintains that Brazil did not have a military dictatorship but a military regime in which the Armed Forces safeguarded democracy and defended the country against what he classifies as a communist threat (Vilela 2019). In his view, this legitimises the torture of dissidents. His running mate, vice-president Gen. Mourão shares these authoritarian views and made controversial statements during the presidential campaign. He affirmed that although a military coup is “always possible,” one would not be “necessary” as the military would “return to power democratically” (Uol 2018a). The ballot box confirmed this intuition; more than seventy military officials and former officials were elected to executive posts in federal government (House of Representatives and the Senate) and local (state) level in the 2018 electoral cycle (Uol 2018b). More than two and a half thousand officials and former officials are part of the Bolsonaro government in senior positions in the first and second tiers of government (Gielow 2019; Mattoso and Bragon 2019), making the Armed Forces more politically influential than it has been since the end of the military regime.

This politically sensitive time is complex and further study is required to define what contributed to a political culture in which individuals who position themselves in favour of torture and an undemocratic break of the Constitutional order are elected to office. This dissertation does not suggest that the initiatives concerning the legacies of dictatorship caused Bolsonaro’s rise. Still, questions need to be raised about their success in negotiating a shared meaning for the recent dictatorship and its legacy of widespread
human rights abuse and helping to create a society in which chances of the recurrence of human rights violations are reduced to a minimum.

Bolsonaro’s victory in the polls is evidence that Brazil’s relationship with the recent past is problematic from the perspective of human rights culture. The wider public does not seem to be as outraged about the gross violations of human rights that occurred in the past as those involved in the initiatives designed to deal with the authoritarian past had intended. Designed in part to articulate a narrative of national political change, the initiatives were supposed to prevent the forgetting of human rights violations occurred during the regime and lead to a more tolerant and peaceful future. Present challenges to the sustainability of the human rights agenda, however, suggest that Brazil is far from the establishment of a human rights-based political order (Amnesty International 2019). How to explain this, and how to learn from the recent events in the country?

Many factors may have contributed to this outcome. As will be further discussed in this dissertation, the fact that Brazilians only started learning and talking about events occurred during the dictatorship many years after the end of the regime is an important element in this memorial process. So is the fact that politicians have time and again been ineffective in dealing with the dictatorial past. Their weakness was apparent in 1985 when there was a lack of political will to prosecute regime officials known to have committed serious crimes against civilians. It re-emerged in 2014 when there was no political strength to implement recommendations proposed by CNV.5

The possibility that the initiatives have been ineffective—either as a result of poor design or due to issues in their implementation—requires exploration. As do potential failures in regulating political communication about the past. Problems in this area might include failure to engage a broader audience in public debates about the past, to

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5 Brazilian politics faced a series of crises in recent years which compromised the entire trajectory of government and limited its chances of implementing the recommendations. The truth commission presented its findings on 10 December 2014, only months after a highly disputed presidential election that saw President Dilma Rousseff reelected by a slim majority of less than 2% of the votes. A criminal investigation into corruption, known as “Operation Car Wash” (Operação Lava Jato), was launched in 2014. It unveiled scandals affecting hundreds of political figures, many of whom were still in power. Less than a year after the report’s publication, on 2 December 2015, the House of Representatives initiated an impeachment process against Rousseff. The circumstances compromised governability and decision-makers’ priorities were placed elsewhere—as CNV coordinator Pedro Dallari put it, “possibly due to the political crisis the country is going through, there has not been much commitment on the part of public administration” (Dallari cited in de la Torre 2015, 181).
acknowledge the existence of a wider plurality of memories and to create safe and tolerant spaces of interaction between conflicting historical cultures.

The present dissertation investigates the process through which the Brazilian national past is worked upon and discursively constructed. Its main purpose is to contextualise and critically analyse the historical representations produced and implied by initiatives designed and implemented by the executive branch of the Brazilian federal government to address the country’s most recent dictatorship. Discourses employed in the initiatives’ “actions of memory” (Rufer 2012) are investigated, that is, the discourse used in memory-producing actions such as apologising for the past, truth-seeking, providing moral and financial reparations to victims, holding public hearings, recommending legislative reform, etc. which contribute to the publicly constructed cultural memory (Bal 1999, 7). The analysis focuses on the language use, discursive mechanisms and rhetorical patterns with which initiatives designed and implemented by the federal government make sense of the past and help construct publicly circulating discourses about the dictatorial period.

Language is a prominent actor in political reality and social understandings of the past are made visible in changes in discourse. Discourses produced by the initiatives concerning the legacies of dictatorship in Brazil are embedded in a discursive chain that involves actors within and outside governmental institutions, including other political actors, civil society and academia. This dissertation investigates discourses about the past formulated by the most important public policies concerning the legacies of dictatorship of the Brazilian federal executive. This creates an opportunity to observe the multiple relationships (entanglements, overlaps and divergences) constructed and developed within their discourses about the past (Wodak 1996, 12). The examination of the constitution of their relevant discourses contributes to the understanding of meanings of Brazil’s past which have been made possible in and through the initiatives.

Actors within the Brazilian initiatives sometimes deny that their work produces memory. Contrary to their claims, this dissertation argues that the official policies dealing with the past cannot escape reinterpreting political reality and producing representations of that past. Despite not necessarily writing history books, in the course of addressing the national past the projects reconfigure the official memory of the dictatorship. The discursive construction of the past occurs in a feedback loop. The
initiatives’ actions invoke and re-signify representations of the dictatorial past, proposing how citizens should think, feel and behave about elements of that past. These interpretations are then embedded in the initiatives’ texts and discourses.

It is self-evident that there are different perspectives at work in Brazilian memory politics. On one hand, human rights defenders and victims of human rights violations seek the truth about what happened and the punishment of perpetrators and on the opposing perspective, there are those less willing to revisit the authoritarian past. Among those emphasising the need to move on are those who praise the regime and contend that the violence was necessary. Somewhere in between sits the governmental account. Designed to address the legacy of human rights abuse, the initiatives attempt to correct an imbalance and reframe the past to include the voices of victims, which had been suppressed by the former regime.

This study focuses on public memory policies designed by the executive branch of the federal government in order to consider their place among memory discourses in post-authoritarian Brazil. Initiatives concerning the dictatorship designed and implemented by institutions other than the Brazilian federal executive—such as actions carried out by the Armed Forces, the judiciary, local governments and civil society organisations (including human rights NGOs)—lie beyond the scope of this investigation. Area-specific policies devised by the executive branch of the federal government (i.e. in education or foreign relations) are also not the focus of this investigation.

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* Representations of the past should be understood as the capacity to characterise the past as *something*, giving it meanings and requiring a certain attitude towards it: “when Napoleon is depicted as a Roman emperor, the sculptor is not only representing Napoleon in an antiquated pose (...) [he] wants the viewer to take in relation to (...) Napoleon–attitudes appropriate to the greatest Roman emperors” (Danto quoted in Ankersmit 2010, 383).

7 After the national truth commission was implemented, local truth commissions sprung around the country led by civil society (in universities, local authorities, trade unions and other institutions). This multifaceted process lies beyond the scope of this dissertation. For more information on the more than one hundred local truth commissions that worked alongside CNV, see de Seixas, I. A. and Silvana Aparecida de Souza. 2016. ‘Comissão Nacional da Verdade e a rede de comissões estaduais, municipais e setoriais: a trajetória do Brasil.’ *Estudos de Sociologia* 20, no. 39; and Schneider, N. ‘The Brazilian National Truth Commission in Local, National and Global Perspective’ in Schneider, N., ed. *Brazilian Truth Commission: Local, National and Global Perspectives* (Berghahn Books, 2019).

8 Brazil is an established democracy with a presidential system of government. Strong presidential powers drive the policymaking process and have generally allowed presidents to initiate, pursue, and approve their policy agenda. Checks and balances are provided by Congress (House of Representatives and the Senate), the judiciary, state governors, and the Ministério Público (public prosecutors). The country operates a multi-party system and Congress often gathers representatives of more than twenty political parties. For this reason, Brazil’s system is sometimes described as a ’coalitional presidentialism’ (Power 2011; see also Alston et al 2008).
Importantly, this is not a dissertation on either the Armed Forces’ or the regime opponents’ memory of the dictatorship; this analysis does not engage directly with the views of victims’ groups or the views of regime supporters and established officials. We should remember the terrible suffering of the regime’s victims: many were housed in illegal ‘off the grid’ detention centres where the security forces used torture to extract information and intimidate individuals (Brazil, CNV 2014a). It is easy to understand the idealistic struggle of those who acted upon a political vision of a more progressive future, and of course, it is vital to respect relatives’ need to mourn. It is not our objective to undervalue the suffering of victims and their loved ones. Nor is it our goal to minimise or exculpate the criminal actions carried out by those who were in positions of power during the dictatorial regime.

An Amnesty Law has shielded perpetrators from prosecution since 1979. Upheld by the Supreme Court in 2010, it was later found to be in violation of Brazil’s international obligations by the Inter-American Court of Human Rights; a challenge is due to be brought before the Supreme Court one more time. Some academics and actors within the Brazilian public memory policies campaign for the Amnesty Law to be overturned. Although the author of this dissertation agrees that the prosecution of perpetrators would be a positive step, there is little indication that the legislature or the judiciary are at all considering revising the law. Despite the effort of redress, reparation and reconciliation discussed in this dissertation, historian Marcos Napolitano’s remark still rings true: “the moral condemnation of the dictatorship with no legal condemnation of its agents give the tone of the debate” (2011, 346-7). In other words, no change in the law is imminent.

Many historians and political theorists have researched the initiatives designed and implemented by the executive branch of the Brazilian federal government to address the country’s most recent dictatorship. Glenda Mezarobba’s extensive analysis focuses on reparation commissions, especially the Amnesty Commission (2007). Nina Schneider’s

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10 According to Eugênia Gonzaga (CEMDP president between 2014-2019), the process is not moving quickly: “the issue of accountability of agents of the dictatorship has been in the Supreme Court since 2011 and there is no prospect of it entering the agenda” (quoted in Rossi 2018).
work tends to focus on agents and power relations ‘pulling the strings’ of Brazilian memory politics (2011a, 2011b, 2013b, 2014a). Alfredo Alejandro Gugliano and Carlos Artur Gallo (2013) have discussed the impact of political actors on transitional justice in Brazil. Barahona de Brito (2013) has proposed a useful chronology of Brazilian truth-gathering and reconciliation initiatives since 1990 which describes the ‘slow motion’ of the federal executive to implement these actions. Henrique Tavares Furtado’s PhD thesis offers an account of the CNV trope of post-authoritarian impunity as side-lining systemic forms of violence experienced in the present (2016). Johnny Roberto Rosa defended a PhD thesis assessing Brazil’s transitional justice commissions as projects working through a historical trauma (2017). Transitional justice scholars, some of whom are also actors within the Brazilian initiatives, have often acted as interpreters for a Brazilian audience of international debates among transitional justice scholars. Marlon Weichert (2014, 2015), Renan Quinalha (2013), Paulo Abrão and Marcelo Torelly (2010, 2011, 2012) are transitional justice actors and academics, shaping the past-orientated policies while also reflecting upon their practice.

These studies improved our understanding of the dynamics of memorial shifts in Brazil. However, to the best of our knowledge, there are no studies that analyse the main initiatives concerning the legacies of dictatorship established by the Brazilian federal government side-by-side, nor any results in the literature regarding how these initiatives act as sites for the production, regulation and insertion of representations of the past into the public realm.

Demographic data shows that over half of the Brazilian population were either too young or not yet born when the dictatorship ended in 1985 (Brazil, IBGE 2017a). This means that the country’s population has reached an inflexion point: most citizens have no personal memory of life under military rule. Nonetheless, all Brazilians have experienced the many ripple effects in society caused by the regime’s afterlives. The generation of postmemory (Hirsch 2012) is an under-discussed stakeholder and actor in Brazil’s memory politics. The author of this dissertation is a member of this group, one of

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11 The term “afterlives” is used to denote the present legacy of the past, its “continued life” (Tamm 2015, 9). See also Rigney, A. The afterlives of Walter Scott (Oxford UP, 2012).
the millions of Brazilians educated during the silent period, during which the regime was a spectral presence: little more than the names of ‘military presidents’ on a blackboard.12

1.1 Methodological Considerations: on Memory and Discourse

Although history cannot be reversed, what is made of it is a present concern, as the past is constantly in the process of being reconfigured, depending on how individuals and societies produce and put to use their historical representations. It “reappears in dialogue with the situations of the present” (Jelin 2009, 230). The analysis of the initiatives concerning the legacies of Brazil’s most recent dictatorship carried out in this dissertation draws on a framework that understands memory as a cultural phenomenon, and memory initiatives as part of “complex constellations of intersecting group allegiances, mnemonic practices, and knowledge systems” (Erll 2011, 14). An important feature is the perception of society and culture as constituted by discourse while constituted discourse. Representations of the past should also be understood as not fixed, but in constant transformation, in circulation in the public sphere. Memory “circulates, migrates, travels; (...) continually in progress” (Bond and Craps 2017, 1). This suggests a reading of the policies designed by the executive branch of the Brazilian federal government to deal with the sensitive heritage of the country’s most recent authoritarian regime as a strategy that is not static but changing. Likewise, the current understanding of the past is not permanent. Given the current political climate in Brazil, it is likely to shift.

During his time in Congress, Bolsonaro was a staunch critic of the Brazilian policies dealing with the dictatorship period. Now that he reached the presidency, his administration is actively attempting to undo the transitional justice initiatives investigated in this dissertation. Proceeding contrary to the provisions of the right to

12 Interestingly, the five different military officials who led the Brazilian federal government during the country’s most recent dictatorship are not referred to as ‘dictators;’ the denomination commonly used by critics and supporters of the regime is ‘military presidents.’
memory and truth, it unduly interferes with initiatives in operation, hindering their efforts and disregarding victims’ rights to truth, justice and reparations. A veto issued by President Dilma Rousseff in 2011 was reversed in 2019, as Bolsonaro called for the Armed Forces to commemorate the 55th anniversary of the coup (Monteiro 2019). CEMDP’s funding for forensic analyses was reduced, and members appointed by the federal government to its board are critics of the commission’s work and pro-military regime (Estadão 2019; Estado de Minas 2019).

Similar interferences have been observed in the Amnesty Commission. Individuals who publicly defend ideas which are incompatible with human rights and the commission’s objectives were appointed as members of the commission’s decision-making board (mpf.mp.br 2019). Because of suspicion of wrongdoing by the current administration, decisions made in the past are due to be audited (Barbiéri 2019). Hundreds of organisations and citizens have signed the ‘Manifesto in Defence of the Rights of Victims of Political Persecution during the Brazilian Civil-Military Dictatorship’ against “an agenda of dismantling the memory of the military dictatorship” (2019). Meanwhile, close allies of President Bolsonaro have called for a review of history textbooks to ensure a pro-regime perspective of the dictatorship period is taught in schools (Folha de São Paulo 2019a; Exame 2019).

The continuous resignification of existing narratives and representations of the past implies that in the (re)telling of histories many perspectives, subjectivities, identities and values can emerge. This dissertation affirms the multiplicity of representations of the past, understood not so much as “what happened but what is said, written and broadcast about what happened” (Yerxa 2008, 25). The unavoidable malleability of conceptions of the past remade in the present for present purposes (always subject to the conflicts and shifts of the day) can lead to an openness to alternative and multiple perspectives by citizens who hold contending worldviews or symbolic universes (Berger and Luckmann 1967). Embracing the past as a social construction negotiated among heterogeneous agents is a result of the understanding that the past is not ‘somewhere’. It is not ‘a foreign country,’ as David Lowenthal once suggested, but a set of constantly evolving (re)constructions.13

The rejection of the past as a hard, objective, prefigured reality should not be confused with moral relativism, that is, a rejection of any authoritative ethical principles (‘anything goes’). The atrocities committed during the authoritarian regime narrated and memorialised by the government’s commissions, academics and political and civil society organisations took place. There is no excuse for the manipulation of historical facts or false interpretations constructed to mislead others. Even though the validity of most historical claims cannot be designated a priori, there are limits: not all interpretations of the past are equally valid.

Still, it is important to remember, that “facts inform opinions, and opinions, inspired by different interests and passions, can differ widely and still be legitimate as long as they respect factual truth” (Arendt 2003, 554). This means that disputes are often not so much about facts in themselves, but about the meaning(s) ascribed to them. This partially explains why after a truth commission was established in Brazil alternative interpretations of the documented facts intensified. At the same time, the country also saw an upsurge in polarised political discourse. Bolsonaro offers alternative meanings and interpretations to the past, in line with his ultraconservative far-right political views. He does not dispute the facts or deny that torture was employed by the military during the military regime (that would not be possible after the extensive evidence provided by CNV); on the contrary, he defends what he considers to be the regime’s legitimate use of torture. Most relevant to advocates of human rights and transitional justice is the fact that 58 million Brazilian voters had a positive evaluation of Bolsonaro despite his open defence of extremist views regarding Brazil’s past.

Handling memory-as-discourse means understanding memories as social constructions forged through conflict, contestation, contradiction and debate. This research applies the methodology of Critical Discourse Analysis to map the evolving public memory of the post-1964 regime across initiatives from the Brazilian government. The importance given to the context and historical setting of the Brazilian official initiatives dealing with the dictatorial past situate this dissertation within the Discourse-Historical Approach (DHA). This means that the points of broader discourse analysis are
placed within specific historical contexts, and strategies structuring the initiatives’ discourses are tracked, whilst asking how they affect broader social issues.

Austrian linguist Ruth Wodak and researchers associated with the Vienna School of Discourse Analysis have developed DHA over the last thirty years. It “situates itself within Critical Discourse Analysis (...) as well as within the philosophical and sociological tradition of Critical Theory” (Wodak et al. 2009, 7). Influenced by sociolinguistics, pragmatics and text linguistics, Critical Theory, history, argumentation theory and political linguistics, the DHA is a method of scrutinising texts for underlying attitudes, beliefs, opinions and ideologies.14

The Brazilian initiatives were not planned as a comprehensive national memorialisation programme and their discourses cannot be understood as univocal or one discourse; as this investigation into the different initiatives shows, the object of this research is a set of interwoven discourses. They present themselves as disordered (Wodak 1996, 24) and at times diverge with one another. Critical Discourse Analysis is applied to texts produced by the official initiatives to identify some of the tropes and strategies articulating a communicative framework of their publicly circulating official discourses about the past.15

This investigation relies on data collected from a wide array of texts related to the Brazilian initiatives concerning the legacies of dictatorship, including: law-making procedures (such as political speeches and addresses, laws, decrees, etc.); outreach texts produced for wider consumption by official actions of memory or actors within state institutions (i.e. adverts, official publications by the initiatives such as reports, press releases, books, etc.); materials published, curated or commissioned by the initiatives (such as documentaries and books published through the Marks of Memory project); materials published by the initiatives not intended for wide circulation (i.e. internal


15 Discourse analysis examines single/specific texts in context to understand discourses, which carry patterns and relationships with other texts and hence should be understood as “publicly accessible language and other forms of expression that circulate widely and consistently throughout a society” (Thiesmeyer 2003, 1; see also Heer and Wodak 2008, 10).
documents and yearly reports); and materials about the initiatives published for example by Ministers, commissioners and consultants (including conferences and interviews).

1.2 Outline of the Thesis

This dissertation provides context and background information to understand the initiatives of the executive branch of the Brazilian federal government to deal with the country’s recent authoritarian past. The period under analysis comprises of 1995 to 2016, covering processes of memorialisation implemented during the administrations of Fernando Henrique Cardoso (1994-2002), Luiz Inácio Lula da Silva (2003-2011) and Dilma Rousseff (2012-2016).

The starting point of this investigation is a summary of the past that later became the object of governmental initiatives. Chapter 2 describes the events that unfolded after the successful coup d'état launched by the Brazilian military in 1964 and affirms that the memory of the post-1964 regime continues to be a sensitive heritage. Points of contention are signposted throughout the dissertation. They include contrasting chronologies, interpretations and terms employed to refer to the past and the different meanings attributed to these occurrences. All of this can make navigating changes in Brazil’s historical cultures a difficult challenge.

Chapter 3 introduces the initiatives concerning the legacies of dictatorship established between 1995 and 2016 by the executive branch of the Brazilian federal government. Each initiative is described in detail, with background information about inner mechanisms, responsible actors and actions of memory carried out. The chapter concludes with a comparison of three different types of reconciliation enacted by the initiatives. The reconciliation proposed by the 1979 Amnesty Law did not address past violence and led to a phase of institutional silence about the dictatorial period. Then, early initiatives from the government sought to reconcile individuals directly and personally affected by the dictatorial past. Later, federal policies normalised the condemnation, denunciation and objection to the gross human rights violations of the past. This
contributed to the creation of a shared perception of the past as strictly negative, and to generate some cohesion among Brazilians. These different forms of reconciliation illustrate that although the initiatives have commonalities, diverging views exist not only among the initiatives and individuals within the initiatives but also within governmental offices (i.e. the Armed Forces and the federal executive).

After the initial incursions into Brazil’s dictatorial past and the policies designed to deal with that past, Chapters 2 and 3 respectively, this dissertation turns to a critical analysis of publicly circulating discourses about the past propagated by the official initiatives. Chapter 4 investigates what of Brazil’s past is committed to memory by the official initiatives. It affirms that through their work, the initiatives regulate and insert vetted representations of the past into the public realm. This reframing of the past reproduces, reinforces and disseminates an interpretation of the past that views the dictatorial period through the prism of human rights violations committed by agents of the repressive system which was implemented by the authoritarian regime at the time.

In Chapter 5, publicly available texts related to the initiatives are investigated and critically evaluated. The investigation turns to how historical representations about the dictatorship are constructed and elements identified in discourses of the Brazilian federal initiatives are analysed: the discursive patterns, articulations and strategies employed by the initiatives, their representatives and representatives of the Brazilian federal government in their retelling of the past. This includes strategies of construction, demontage and transformation. It is affirmed that the view adopted by the initiatives as a foundational element in the national narrative of Brazil’s recent past presents distinctive discursive tropes. The governmental initiatives attempt to align themselves with victim-centred discursive practices, and as much as is feasible distance their discourses from discourses of regime supporters and established officials. The initiatives’ exclusively negative appraisal of the past, retold as a string of human rights violations, presents the period 1964-1985 as a terrible period. Finally, the past is seen as something from which lessons must be extracted.

Coming to terms with Elliot’s “time past” requires laying bare its scattered pieces and layers, its complexity and relations with the present, pointing to ever new present

16 ‘Established officials’ represent the dominant identity in the Brazilian Armed Forces, which view the regime in positive light. See Section 5.3.2 (below).
conditions—so that never again does not end up being always the same (Buck-Morss 2011). In an essay first aired on German radio in 1960, Theodor Adorno discussed real democracy’s need of a lucid, self-critical relation capable of breaking the past’s power to fascinate. A reflexive attitude is at the core of Adorno’s working through a difficult past. A healthy historical culture is needed if societies are to become a healthy democracy; it is not only remembering that matters, but how it is done: “the way in which the past is made present” (Adorno 1998, 96). Past wrongs cannot be erased or altered, nor is it possible to, literally, physically “un-chop a tree” (Verdeja 2009). However, it is possible—and indispensable—to revisit the past and update it in light of present needs and ambitions for the benefit of ‘time future.’ This hermeneutic analysis has informed the reading of the Brazilian case proposed in this dissertation.
Chapter 2. Years of Military Rule

2.1 Introduction

This chapter introduces Brazil’s post-1964 military dictatorial regime. It describes how that regime came about and discusses events that re-emerge in other sections of this dissertation, then as objects of memory or as a past that needs to be ‘dealt with.’

Much happened over the course of the period most Brazilians refer to as ‘the dictatorship,’ and simplification of this complex history can be problematic. The relationship between regime opponents and the regime’s repressive system has often been employed as a central trope in exploring the long period of non-democratic rule accompanied by weak rule of law. This dichotomy provides a frame of reference for the official initiatives concerning the legacies of dictatorship.

The next section discusses the 1964 coup d’état. Section 2.3 gives an overview of life in Brazil under military rule. Section 2.4 discusses the legitimacy of the regime with socio-demographic information about the Brazilian population and its support for the military. Section 2.5 considers the first element to shape the memorialisation of the regime, the 1979 Amnesty Law—a condition imposed by the Armed Forces for the return to a democratic system of government. The chapter concludes with a reflection of how the transition to civilian power left its mark in the memorialisation of the dictatorship.

2.2 The military coup

Brazil was the first Latin American democracy to suffer a military coup in the decade of 60 and the last to get rid from the jacket of authoritarianism.

The dictatorship that started in 1964 was not the first authoritarian regime established in Brazil. The first five years of the ‘Old Republic,’ which brought the Empire
of Brazil to an end, had been a military dictatorship (1889-1894). It was followed by a system known as Coffee with Milk Republic—a democracy marked by tainted elections and oligarchic disputes between the two most powerful regions at the time, Minas Gerais and São Paulo. The Old Republic ended when a civilian, Getúlio Vargas, a populist, anti-communist politician led a military coup and clinched the presidency. He oversaw the country for 15 years. His industrialisation policies dominated Brazilian society for much of the 20th century. Between 1937-1945 Vargas assumed dictatorial powers and shut down Congress, so the Vargas Era concluded as Brazil’s second undemocratic regime. Remarkably, in 1950 he returned to the presidency, after winning the elections. On 24 August 1954, Vargas was found dead in the presidential suite—his suicide note famously declared: “I leave life to enter history.”

The 1964 coup was the third time Brazil’s federal government was seized. To this day, there are disputes over the meaning of the coup itself, and the regime that ensued. The spectre of the Cuban Revolution loomed large. On Friday, 13 March 1964, weeks before the coup, President João Goulart made a speech in front of up to 350,000 citizens at Rio de Janeiro’s Central Station, in which he outlined an ambitious programme for his government. A multitude of banners can be seen in the existing black and white photographs of that day, many in support for the Brazilian Communist Party (PCB, Partido Comunista Brasileiro), which was outlawed in 1947 and had to operate in secret after 1964. Goulart’s project included reforms in the banking sector, electoral reform (giving voting rights to soldiers and illiterate men and women, almost 45% of the adult population at the time), urban reform (offering protection to tenants), reform in basic and higher education, and a land reform that promised to put an end to large unproductive

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18 The Vietnam conflict also played a part in the consciousness of the Brazilian military. Years later, regime official Gen. Oswaldo Muniz Oliva claimed that “if it hadn’t been for the 1964 Revolution, Brazil would have become a large Vietnam” (Oliva quoted in Farah 2003). Unless otherwise noted all translations are the author’s.
landholdings (Reis Filho 2014b, 33). Many commentators regard Goulart’s speech as the turning point of the events that followed. Here is an excerpt:

This Constitution is outdated, it legitimises an unjust and inhuman socio-economic structure (…); people want democracy broadened and to see an end to the privileges of a minority; land ownership to be for all; that everyone be allowed to participate in politics, voting and being eligible to stand; no more interventions by economic powers in elections and may all of the political spectrum be represented, with no religious or ideological discrimination (Goulart 1964).

As will be further discussed below, opinion polls indicate that most of the population supported the measures announced in Rio de Janeiro. The popularity of Goulart’s ideas reinforced rumours that he was planning to remain in office for a second term, which was illegal at the time.19 The idea that Goulart was plotting a leftist revolution is part of the argumentation employed by the military to portray their actions as a ‘preventive counter-coup’—that is, a necessary move against Goulart’s alleged attempt to launch a coup (Fico 2004, 17). Tapping into the strong anti-communist sentiment that existed in the country at the time, regime supporters to this day maintain the salvationist discourse that claims that the Armed Forces acted against communism, affirming that the coup was a ‘democratic counter-revolution.’

Historians consider claims that the military staved off a subversive communist conspiracy to be inflated. Although there was radical division in the country and there were left-wing organisations plotting to seize power, the feasibility of their plans and robustness of their structure was overstated by the regime and is still exaggerated by those who maintain an interpretation of the past sympathetic to the Armed Forces (Vasconcelos 1997, 23; Fico 2017, 41). Although Goulart was not a socialist, his progressive ideas were perceived as an inclination towards the left.20

This perception that Goulart might be grabbing on to power and that he was too close to the ‘reds’ generated a conservative backlash. Amid apprehension that USSR-backed atheist communists would attempt to seize power and endanger traditional values

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19 Historian Carlos Fico reports that the press at the time claimed Goulart was conspiring to implement something akin to an “absolutist presidentialism” (2017, 10). Rodrigo Patto Sá Motta claims that the perceived threat was not entirely unfounded: “the anti-communist sentiment was not absurd or mere manipulation, since the left was a growing force and sought to increase its influence in the Goulart government” (2015, 20).

20 Historian Claudia Wasserman explains that “Goulart’s project was a continuation of Vargas’ (…); it was a capitalist developmental project, not to be confused with socialism—although Communists did support his government” (Wasserman n.d., 6).
such as family, religion and property, hundreds of thousands of citizens took part in a series of public demonstrations known as “Demonstration of the Family with God for Liberty” (Marcha da Família com Deus pela Liberdade). Meanwhile, the US-backed vision of a ‘free, Western, and Christian’ world grasped imaginations across Brazil. National and international business groups, religious institutions, large landowners, the mass media, portions of the middle class (including academics) and politicians demanded military intervention and later welcomed the coup (Ridenti 2014).

Within a matter of days, the situation became untenable. Legal scholar Paulo Sérgio Pinheiro (later part of the Brazilian truth commission) described the atmosphere:

On the morning of 31 March, Gen. Amaury Kruel, commander of the Second Army, in São Paulo, who had been vacillating in joining in the overthrow, proposed (...) closing the radical General Workers’ Command (CGT) and the leftist National Student Union (UNE), intervening in the unions, and removing aides accused of being Communists. If he did so, the general [sic] believed, Goulart could salvage his term: “I cannot cast aside the popular forces that support me.” [replied Goulart] “Then, Mr President, there is nothing we can do” [concluded Kruel] (Pinheiro 2009).

A political solution was not possible, because Goulart was determined not to give in. That same evening, Gen. Kruel joined the growing number of high-ranking officials supporting military action against Goulart. Many events unfolded during 31 March, 1 April and the early hours of 2 April 1964, including military, media and civilian articulations and intense communications between the military and Washington.21 One event became symbolic of the coup d’état: on 31 March 1964, under the command of Gen. Mourão Filho, six thousand rebelling military officials, known as the ‘Tiradentes Troop’ (named after a national hero) left the state of Minas Gerais marching towards Rio de Janeiro. In a crucial development, the officials sent to halt the deployment from Minas Gerais changed sides and joined the rebels, standing against Goulart.

Rebel factions within the Armed Forces had the support of the media, business groups and the middle-class, many parliamentarians, the executive power of the most important states (Guanabara, Minas Gerais, São Paulo and Rio Grande do Sul) and the United States administration. On 1 April, the self-titled military ‘revolutionaries’ of the Tiradentes Troop were welcomed in Rio de Janeiro by thousands of citizens. Goulart went

21 The Brazilian military never made an official declaration of alignment with the US, the regime indicated allegiance to ‘free world capitalism.’ During the years of the regime, the country positioned itself as a capitalist society with a national-statist model of development.
to Brasilia, and that same night he flew to his hometown in the state of Rio Grande do Sul. In violation of due process, the president of the Senate Auro de Moura Andrade declared the presidency vacant in the early hours of 2 April: “the nation was left acephalous.” Years later, this announcement was officially considered unconstitutional, as Goulart remained in Brazil until 4 April (Pereira 2015, 874).

For months demonstrations were held in many different parts of Brazil, first as an expression of fear of an alleged communist conspiracy, and later in support of a military intervention. After the coup, Brazilians took to the streets in celebration of the military coming into power. An estimated 1 million people attended the so-called ‘Victory Demonstration’ in Rio de Janeiro on 2 of April 1964—by far the largest event of its kind (Presot 2010, 84-86). Newspapers made their support for the military known through headlines and editorials that read like exhortations (Reis Filho 2012a, 32). The day before the coup, the newspaper Correio da Manhã printed on its front cover: “Enough! Brazil has suffered too much with the current government” (31/03/1964). A day after, the headline read: “the country returns to democracy” (Correio da Manhã, 02/04/1964). Other newspapers ran similarly gleeful headlines, such as “Saved from the communists” (O Globo, 02/04/1964); and “A real carnival salutes the army troops” (O Dia, 02/04/1964).

2.3 Life under military rule

We couldn’t say what we thought, there was always a risk of getting arrested (...) whatever you said, whatever you wrote (...) they’d find it, and they always knew exactly who had done what.
- Yásnara, interviewed in the documentary Cassandra Rios, a Safo de Perdizes

Military officials centralised power between 1964 and 1985: the presidency was held by five different high ranking military officials and the most important posts in Cabinet, public offices and state-owned companies were also held by military officials (Chirio 2012, 231). The first institutional act issued by the military government declared that the regime sought to promote an “economic, financial, political and moral reconstruction” (Brazil 1964)—and with the support of powerful civilian allies, the Armed Forces transformed Brazilian society during the years they ruled the country.
The international outlook of the period is relevant; the success of the Cuban revolution (1953-59) intensified the Cold War rhetoric against communism in Latin America. From a United States perspective, Brazil and other authoritarian regimes established between the 1960s and 1980s in the region were an important part of its ideological war against the spread of communism. Two principal mechanisms of containment were used by the US in Latin American nations facing the threat of a communist revolution, “economic aid to allied regimes and political parties (...) and support for regime overthrow in the case of recalcitrant or overly ‘relaxed’ and ‘indulgent’ governments” (Pereira 2016, 9).

The Brazilian military’s preparations for the coup and the regime can be traced back to the 1950s when a plan to modernise the country had been devised. The “National Security Doctrine” (Doutrina de Segurança Nacional) was developed at the “Political, Strategic and Defence Studies Centre” (Escola Superior de Guerra), a training facility for high-ranking Brazilian officials created with the support of the US National War College.22

Political theorist Adriano Codato argues that the main characteristic of the post-1964 authoritarian regime was its oppositional character: “anti-communist, anti-populist and adhering to a vague reformist conservatism: ‘against corruption’” (2005b, 15). The key element of this plan was a new understanding of national security, no longer focused exclusively on foreign invasions; the attention of the Armed Forces turned to guard the country against inborn threats, specifically a Cuban inspired revolution (which was considered a possibility by some at the time). According to a 2007 report by CEMDP, “the National Security Doctrine was based on the thesis that the enemy of the state was no longer from the outside, but from within the country” (Brazil, CEMDP 2007, 22). The population was catalogued in a blunt classification, divided into ‘law-abiding good citizens’ and ‘subversives.’ The latter were “transformed into rule-violating ‘criminal outsiders’ to be managed legitimately through heavy and generalized police repression” (Huggins 2000, 75). The command of the Armed Forces decided which groups or individual citizens were treated as enemies of the state.

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22 US influence went beyond the capitalist economic model. Generations of Latin American officials were taught by US intelligence agencies, they learned that violence was a valid and necessary instrument against revolutionary groups. States across the region terrorised their own citizens using coercive institutions and violence against the population allegedly as a tool for “the maintenance of public order” (Verdeja 2009, 169).
Brazil’s annual GDP growth was of 3.5% in 1964. It rose to an unprecedented 14% in 1973 (World Bank n.d.), the high point of what is known as the ‘Brazilian economic miracle’ (1967-1973). Economist Ignacy Sachs affirms that between the 1950s and the 1980s Brazil grew above 6%, with a sharp fall to 2.1% after that (2009, 333). Large-scale infrastructures such as the Transamazon Highway, the Itaipu Dam and the Rio-Niteroi Bridge were built during the regime. However, while this bold developmental programme was implemented and the country enjoyed high levels of growth, the authoritarian regime was responsible for the violation of the human rights of thousands of citizens.

From the outset, dissidents were arrested and as later reported by the truth commission, a countrywide security apparatus was set up consisting of a repressive structure managed from the top of the chain of command. Although Brazil had been a signatory of the Universal Declaration of Human Rights since 1948, the first executive office to deal with human rights (CDDPH, Conselho de Defesa dos Direitos da Pessoa Humana) was established only fifteen days before the military coup. The office continued to exist during the regime, however, it proved ineffective in safeguarding the human rights of Brazilian citizens. Apart from the International Convention for the Elimination of all Forms of Racial Discrimination signed in 1968 by the regime, new international human rights treaties were not ratified by Brazil until the mid-1980s.

Surveillance and coercion were employed to intimidate, punish and suppress political opponents during the regime. Activists opposing the model of authoritarian rule and individuals thought to undermine the prevailing moral conduct were targeted. This included trade unionists, peasants, indigenous peoples, common criminals and members of the lesbian, gay, bisexual and transgender community (LGBT). Because of the secretive nature of the military surveillance, many citizens who were affected by the regime’s repressive apparatus may never have known it (Fico quoted in Arend et al 2013). Thousands lost their jobs, in education, banking, the postal service, etc.

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23 The regime employed many strategies to gather information on citizens, including censorship, prohibiting meetings, undercover operations, and telephone bugs. The information gathered was recorded in personal files (Brazil, CEMDP 2007, 22). About 300,000 Brazilian citizens are known to have been “classified” (fichados) by the ideological police, many of whom had no political affiliation with the left. During the regime, those applying for a job often had to provide a certificate showing that their registration was clean, they were ficha limpa—that is, that they had not been classified by the “Department of Political and Social Order” (DOPS, Departamento de Ordem Política e Social).

24 Paulo Abrão and Marcelo Torelly offer the following account of the layoffs: “there were thousands of arbitrary
The opposition to the regime had less support from the public than the regime, and it was difficult for left-leaning individuals to know which interactions could put them in danger. Tip-offs could come from close allies or any person they had been in contact with, as the regime had informants and undercover officials embedded in many different sectors (Magalhães 1997). As São Paulo University professor Marilena Chauí describes, “there was no way of telling what was going to happen to you, the students or colleagues. The police were inside the classrooms” (quoted in Souza 2012).

The fact that the left split between an extreme left who formed clandestine opposition groups against the regime and a moderate left, who formed institutional oppositions to the regime is not always made clear in the literature about the Brazilian regime (and this holds true about the federal government’s publications). The left was divided into many different subsets. The term ‘the opposition’ often clusters together groups that were not necessarily fighting for the same cause, and that perhaps were not active in the same period. The biggest chasm among regime opponents was between a majority who resisted through their political positioning (without resorting to violence) and a minority who took up arms against the regime to make a revolution.25 The current perception of the Brazilian resistance is indebted to Henry Rousso’s analysis of the French memory of opposition to the Nazi regime, which demonstrates that simplistic interpretations of opposition to a form of state domination can hamper the perception of more intricate strategies.26 In the Brazilian case, resistance was a long and difficult process; different groups engaged with it at different times, some shifting from an initial position of support for the regime (as in the case of some Catholic leaders, the Order of Attorneys of Brazil and certain press organisations, for example).

Some form of organised civil resistance existed throughout the regime. Many different groups organised themselves around professional, political or religious affiliation. The majority of regime dissidents were not part of the armed guerrilla groups. Students, religious leaders, academics, artists, military officials (ousted by the regime), dismissals of workers in different parts of Brazil and in different categories and sectors, (...) communications (...), metallurgy (...), energy (...), seafarers (...), sections of the military (...), banking (...), aviation (...) and teachers (at schools and universities)” (2010, 33).

25 See Ridenti 2014 for an analysis of the two groups, and Motta 2016 for a more nuanced reading (with the categories of adhesion, resistance, accommodation) that considers individuals’ shifting roles in time.

26 See Rousso, H. Vichy Syndrome: History and Memory in France since 1944 (Harvard UP, 1994). Brazilian historians working on this issue include for example Reis Filho (2000) and Rollemberg (2010).
lawyers, parliamentarians and members of political parties and other organisations were involved in the moderate opposition and sought a political resolution to the dictatorship. They made their criticisms known through public protests or publications. Political parties, local women’s associations, music and theatre groups, unions, religious groups, media organisations and professional associations (e.g. attorneys, journalists and scientists) fit under this category, which spans most of the opposition to the regime.

The revolutionary left reformed after the coup and was active between 1967-1974. Two thousand individuals (at the most) became radical dissidents—many of whom young, middle class and university educated. They were split into around fifty different Cuban, Trotskyist or Mao-inspired clandestine organisations. The regime considered these groups as acting in the interest of the Soviet Union, China or Cuba and part of a subversive communist conspiracy. According to sociologist Marcelo Ridenti, they diverged on the goal to pursue and on how to go about making a revolution; some twenty-eight groups took up arms against the regime—“they converged in the need to ‘overthrow’ the dictatorship with weapons” (2014, 34). As will be further discussed below, in the mainstream discourse about the dictatorship in Brazil the more radical leftist groups are memorialised as democrats and a brave resistance front against the military regime.

The few urban guerrilla actions carried out by the armed militants were concentrated in Rio de Janeiro and São Paulo between 1969 and 1971 (Fico 2017, 46). In 1972, the guerrilla-war in the remote Araguaia region intensified. News of the human rights violations perpetrated by regime officials only emerged in the media after the most violent period of the repression was over. Up until that moment, most of the general population knew little of what was going on—which is not to say no one knew anything.

The armed opposition were among the first groups to receive the harsher punishments from the military. However, after the armed left was defeated, all

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27 Vitor Amorim de Angelo cites two estimates, the first (by Marcelo Ridenti) is of at most 1,600 militants in the six largest armed left organisations; the second (by Elio Gaspari) is that in 1969 the number of guerrilheiros was under 800 (2012, 7). Around 40% of fatal victims and 26% of torture victims were young university students, which were only 1.4% of the Brazilian population at the time (D’Araújo et al 1994a, 22). Torture in Brazil reported 4,935 individuals accused of “militancy in clandestine political organisations” (Archdiocese of São Paulo 1985), while 1,464 faced charges of “participation in violent or armed actions” (Rollemberg 2003, 12).

28 On the revolutionary Left and the armed guerrilla struggle, see Gorender, J. Combate nas trevas: a esquerda brasileira das ilusões perdidas a luta armada (Ática, 1998); Ridenti, M. O fantasma da revolução brasileira (UNESP, 2010); Reis Filho, D.A. Ditadura militar, esquerdas e sociedade (Zahar, 2000); Rollemberg, D. O apoio de Cuba à luta armada no Brasil: O treinamento guerrilheiro (Mauad 2001).
dissidence, even those who had been against the use of violence by the leftist opposition all along (such as PCB members), were subjected to the same violent treatment the state security forces had dedicated to the armed groups (Fico 2017, 48; Brazil, CEMDP 2007, 27; see also Ferreira 2004). Constantly at risk of arbitrary detention, many dissidents were tortured while serving prison sentences. Some were executed by the regime forces.

Extrajudicial killings by the state security forces were not reported and many cases were misreported, that is, recorded untruthfully, as suicides or accidental deaths occurred during attempted prison escapes, for example. Many extrajudicial executions carried out by representatives of the regime’s security forces took the form of ‘enforced disappearances,’ a euphemism for killings in which victims’ remains were concealed by representatives of the Brazilian state.

Some numbers can help visualise the extent of the violence (the numbers are estimates): 50,000 people were detained (Mezarobba 2010, 8-10); 20,000 Brazilians were tortured between 1946 and 1988 (Brazil, CNV 2014a, 350); 10,000 civil servants were unfairly dismissed—6,500 from the Armed Forces (Mezarobba 2010, 8-10); 10,000 citizens went into exile, 130 were banished from the country (Idem); at least 8,350 deaths among the indigenous populations (Brazil, CNV 2014b, 205); 7,500 people were tried in military courts of law (Mezarobba 2010, 8-10); 434 documented cases of extrajudicial killings of political opponents by the state security forces; 245 students were expelled from higher education institutions (Idem).

Most of this information was first published in Brasil: Nunca Mais (“Brazil: Never Again,” henceforth Torture in Brazil), an unofficial report based on court cases brought before the Brazilian military tribunals. Given that the source of the report were...

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29 The expression ‘as a direct result of the action or inaction of the regime’ is used to indicate that the state was responsible for the deaths of significant numbers of members of indigenous groups (up to 90% of their people in some cases) in two different ways. In some cases, this was because of the regime’s direct action, but in most cases there was failure to protect indigenous groups in land disputes, uncareful first contact, contamination and etc. The term genocide has been used by politicians and human rights organisations (prominent military minister Jarbas Passarinho and the Russell Tribunal, for example) but was not applied by CNV to describe the treatment of indigenous populations during the dictatorial regime. The report states that the local truth commission led by the Public Ministry of the state of Paraná considered the extermination of the Xetá population a genocide (Brazil, CNV 2014b, 223). The text on violence against the indigenous peoples added a caveat, saying that the number of deaths is presumed to be significantly higher than the number estimated in the report (Ibid, 205).

30 Brasil: Nunca Mais was the first publication documenting the systematic use of torture by the military regime in Brazil. It became a bestseller when published in 1985. It has been translated into English as Torture in Brazil: A
proceedings from the military justice system, it is noteworthy that 1,843 defendants mentioned the severe mistreatments suffered while awaiting trial (i.e. torture) (Brazil, CNV 2014b, 205).

The physical and mental abuse epitomised in the torture and extrajudicial killings the leftist militants and regime dissidents were made to endure did not start in 1964; these types of crimes are known to have occurred during the Vargas years. If one looks further back into the country’s history, a line can be traced connecting the violence during the regime to the physical violence used in the Colonial past as a means of coercion and constraint of freedom, to instil fear, extract labour, and demonstrate the power and authority of the state. These control practices were used against African and indigenous populations forced into slavery. Even though the use of violence has been persistent in Brazil’s long history, and authoritarianism is not unprecedented in the country’s past, the most recent military regime is often considered a state of exception.\[31\]

Political scientists characterise the Brazilian authoritarian regime as one with a high degree of judicial-military integration and cooperation, which means that political repression and torture were condoned by the military courts (Pereira 2005). The 1964 regime conducted its campaign with no regard for fundamental legal principles or international law. Its leaders fully exploited their power and the security forces abused the state apparatus at their disposal. The appearance of legality was preserved with a partial application of the law; there were no reservations about changing it whenever necessary: “even the regime’s most radical breaks with the past (...) were always accomplished by formal revision of the constitution and statutory law” (Osiel 1995, 529).

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\[31\] Publications of the initiatives concerning the legacies of dictatorship promoted by the executive branch of the Brazilian government refer to the regime as a “state of exception” (Brazil, CEMDP 2007, 21); in the case of the Amnesty Commission, the reference to acts of exception appears in Law 10.559/2002 that regulates the commission (Brazil 2002a), and it is described in the CNV report as an “organ responsible for the reparation of acts of exception occurred between 1946 and 1988” (Brazil, CNV 2014a, 27, emphasis added). For an assessment of the political and juridical contours of a “state of exception,” see Agamben, G. State of Exception (Un. of Chicago Press, 2005). For a discussion on the judicial arguments and theory of constitutional right employed by the Brazilian military, see Da Silva, M. P. 2009. ‘História e culturas políticas: as concepções jurídicas evocadas pelos governos militares enquanto instrumento de obtenção de legitimidade.’ História, 28/2, 17-42.
In tracing the contours of the institutions in the Brazilian regime responsible for the violence, Huggins et al reached the conclusion that “violence workers” were a result of “bureaucratized systems that permit (...) violent police conduct and grant impunity to perpetrators and facilitators alike” (Huggins et al 2002, 21). The authors consider that “a search for the causes of atrocity (...) must go beyond simplistic personalistic ‘bad apple’ and vague ‘unique’ society-wide ‘culture of violence’ perspectives” (Ibid, 21). The military used their compounds (i.e. police stations or military barracks) for the imprisonment, torture and extrajudicial killing of political opponents. Sometimes normal houses, in normal neighbourhoods, were used. Due to the large number of detainees, ships were used as temporary prisons and torture centres (Brazil, CNV 2014a). Typists, secretaries, nurses, doctors, cooks, cleaners, neighbours and passers-by, men and women, knew of the existence of these facilities and were part of the repressive system:

The SNI had up to two thousand employees. When someone was being tortured by an agent of the repression, the information extracted from that person, in that moment of agony, was analysed by an information agent. The confessions were typed then and there by a DOI-CODI official. (...) There was a universe of people around the repression, and the most dramatic aspect in the history of violent and traumatic events is that the perpetrators, the agents of the repression, were ordinary people. We must take this into account. That is to say, the repression was not just a bunch of mad military officials who wanted to give everyone electric shocks. There was a structure that permeated society and involved civilians (Fico quoted in Arend et al 2013).

With strong growth and job creation, the ‘Years of Lead’ were also ‘Golden Years’ of prosperity for many, but records show inequality also grew, with huge income increase among “top professionals, technocrats, and managers” (Skidmore 1993, 107). Beyond the support to the repressive system described above, the regime relied on an extensive network of support and complicity, which involved industrialists, the media and other powerful groups in society, who were ultimately beneficiaries of the regime.\footnote{The “Department of Information Operations–Centre for Internal Defence Operations” (DOI-CODI, Departamento de Operações de Informações–Centro de Operações de Defesa Interna) was the intelligentsia agency of the political police during the military dictatorship, tasked with the investigation and interrogation of suspected members of leftist groups. DOI-CODI is infamous for the use of torture to obtain information from prisoners. The Armed Forces collaborated with military and civilian police in these institutions.}

\footnote{It would also be incorrect to presume the violence was only carried out by men; although their names are not listed among the truth commission’s list of perpetrators of serious human rights violations (Brazil, CNV 2014a, 846), female officers of the military police are known to have tortured political prisoners (Teles 2017).}

Outside of Brazil, there was awareness of the situation. In 1975, the Russell Tribunal on Repression in Latin America accused the Brazilian government of genocide for crimes perpetrated against indigenous peoples.\(^{35}\) In 1976, Time magazine published a report on torture which described Brazil as a serious case of state-sponsored human rights violations (Greco 2003, 68). National governments and international institutions and NGOs knew about the violence:

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\text{at least since 1969, the US government was aware of public denunciations of human rights violations in Brazil made by Amnesty International and the International Commission of Jurists (…). Lenders continued to lend to the Brazilian state in spite of being aware of the human rights situation and the crucial relevance of the loans (…) to buy loyalties and repress (Bohoslavsky and Toerelly 2014, 29).}
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Within the country’s borders though, as a result of strict censorship (especially between 1968 and 1975) and alliances with the major media outlets, most Brazilians knew little about what was going on. In 1971, details of the Araguaia guerrilla did not reach the pages of Brazil’s most important newspapers in the first five months, despite this being a major military operation involving heavy armoury, the deployment of troops and the use of napalm in Brazilian territory (Brazil, CNV 2014a, 690). There was a time lapse between the violence occurring and the writing and discussing of it in public; even after censorship ended, there were “15 years of relative silence (…) until authors could finally examine more intensely the traumatic experiences of the past” (Wainberg 2010, 50).

It is important to bear in mind that at the time, only a minority of the population was politically active; the majority of Brazilians were poor and focused on their daily struggle to make ends meet. In 1964, the population was just above 80 million Brazilians, with a fertility rate close to six births per woman and an average life expectancy of 56 years (data.worldbank.org n.d.). A high percentage estimated as above 40% of the total population were children under the age of 14. Only 1.32% of Brazilians were enrolled in a higher education institution (IBGE 1964). How difficult would it be to control information in these circumstances?

It can be difficult to grasp the depth and breadth of change experienced between the early 1960s and the mid-1980s. Many Brazilians saw TV sets for the first time in the early 1970s. Before the regime, almost 45% of the adult population was illiterate and was

\(^{35}\) The Russell Tribunal on Latin America consisted of three meetings in which prominent intellectuals discussed human rights violations in the region, with special focus on Brazil and Chile.
not allowed to vote. By 1980, 74% of Brazilians were literate and in 1985, the number of undergraduate students was close to 10% of the population. The regime invested in research and initiated a nuclear programme, an airspace and tech industry (Ibid, 9-10).

The transformation of Brazil into an urban society was one of the many important changes Brazilian society went through during the military period. Less than half of the population lived in urban areas in the early 1960s (45%). According to Luna and Klein, “in the 20 years between 1960 to 1980 some 27 million Brazilians migrated from rural areas to the cities (...) this rate rose steadily until it reached 80% of the national population by the census of 2000” (2006, 170). Under military rule Brazil saw the “consolidation of a modern welfare system” (Klein and Luna 2014, 2); free healthcare and an unemployment benefit system were set up during the regime, for example. Klein and Luna also point to the “creation of a solid industrial base” and the organisation of Brazil’s economic system. This occurred through the “reorganisation of the financial and capital markets, formation of compulsory savings funds, manipulation of a wide range of incentives and subsidies, stimulation of agricultural production, price control and if necessary, wage tightening were widely used to strengthen the industry” (Ibid, 4).

The use of violence against civilians by state agents has become a contentious issue in the context of official initiatives tasked with revisiting the Brazilian dictatorial past. Certain sectors in society disagree with the negative appraisal of the regime and claims and counterclaims about the legitimacy and illegitimacy of state-violence circulate in society. Some hold on to the view that the use of violence was legitimate, as it was a means to defend the country against the spread of communism. There are even some, like Bolsonaro, who hold positive views of the regime. The view that the Armed Forces did nothing wrong has been propagated by associations of retired officials and on occasion by serving military officials. In the past few years, there has been an upsurge in public demonstrations of support of military intervention in political affairs (Russo 2015, Latinobarómetro 2016). At the other end of the spectrum, there are those who consider

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37 Serving Armed Forces officials are constrained by a gag order and institutional regulations which bars them from “manifesting their views publicly (...) without authorisation, on matters related to party politics” (Brazil 2002c) according to decree 4.346/2002, signed by President Fernando Henrique Cardoso. Military officials who were active during the dictatorship and are now retired, are more at liberty to engage in public debate and can speak freely about these issues.
the abolition of rights was too high a price to pay for the rapid urbanisation and industrialisation occurred during the dictatorship. They see the regime as a stain in the national past.

The rise of retrospective politics and transitional justice in Brazil should be understood in light of the changing political mores and conceptions about what is politically or socially legitimate. Through the initiatives, Brazilian society attempts to agree on a moral line which should not be crossed by state officials “a consensus concerning the intolerable” (Wilson 2001, 55) or a definition of “what was wrong and never justifiable” (Minow 1998, 78). Think of it as a discussion to establish society’s ‘red lines’—a negotiation to define where the lines which cannot be crossed should lie (Sennett 2012, 246).

2.4 Legitimacy of the regime

The main responsibility for the coup lies with those who carried it out and not to those who suffered it. The winners, however, counted on the help of the losers.  
- José Murilo de Carvalho, ‘Fortuna e virtù no golpe de 1964’

The information in the previous section offered a brief visualisation of Brazilian society before and during the regime: a rural society with the classic demographic and urbanisation profile of countries classified as ‘third world’ in the 1980s (Mears 1988), now referred to as ‘developing countries’—a problematic term, also being phased out of the economic vocabulary (Fanton et al, 2016). On its own, the data does not provide enough elements to grasp public participation and support for the regime; like so many aspects of Brazilian society, political participation changed in the past five decades. Research show steady growth in the proportion of the population participating in presidential elections, from 5.4% in 1930, 18.1% in 1960 to 51.5% by 1969, when that ratio stabilised (until 1998 the rate oscillates slightly, remaining at 51.6%) (Luna and Klein 2006, 8).\footnote{The number of registered voters for national executive and legislative elections grew steadily: 1,466,700 in 1933 (year of first register); 15,543,332 in 1960; 28,966,114 in 1970 and 69,166,810 in 1986 (IBGE 1990, 636).}
Up until 1964, almost half of the adult population did not vote. As discussed above, in his famous speech at Rio de Janeiro’s Central Station, Goulart proposed reforms to extend voting rights to officials and illiterate adults. There are no records of a mass movement for universal suffrage, which suggests that most Brazilians did not consider participating in democratic elections a priority. During the regime, news about the politics of the day reached most parts of the country through the radio — so there was some awareness of developments. However, the idea that individuals ought to hold political views and enact them through participation in the public sphere did not yet exist for most. Writing in 1979, political scientist Youssef Cohen argued that most Brazilians were not politicised or interested in political affairs. From the 1,314 low-income Brazilians based in the Southeast of the country interviewed for his study, an estimated 86 per cent was ‘unpoliticised.’

It is an anachronism to expect to find democratic values among those living in the 1960s, as these ideals would only become widespread decades later (Fico 2017, 11). As political scientist Maria Celina D’Araújo put it, back then “authoritarianism and scant zeal for the legal rules of the political game were features common to left- and right-wing groups” (2015, 145). The absence of a political culture with broad participation was also remarked upon by historian Rodrigo Patto Sá Motta in his research into opinion polls of the 1960s: “the proportion of (...) individuals who prefer not to respond, or who answered ‘I don’t know’ or ‘I don’t have an opinion’ was always high. This is a sign that many citizens are uninformed or disinterested and have a superficial political opinion” (2015, 4).

The existence of such a large group of Brazilians disengaged with arena politics indicates that there were different degrees of complicity with the regime. As discussed previously, some believed Goulart was plotting a socialist revolution. Following the coup, the regime launched fearmongering campaigns, which sometimes referred to communists in terms of a ‘red threat.’ The previous section discussed certain groups in

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39 Cohen defines ‘politicisation’ as the process whereby individuals acquire an interest and knowledge about politics. In comparison, an estimated 44% of the US population was unpoliticised in 1968 (1979, 11-12).

40 Authors have investigated different aspects of the ideological machinery at the disposal of the military. Nina Schneider has discussed how the regime’s “Special Public Relations Consultancy” (AERP, Assessoria Especial de Relações Públicas) and “Public Relations Consultancy” (ARP, Assessoria de Relações Públicas) acted to win support from the population through “subliminal official propaganda” disseminated through short films and radio productions; Schneider, N. Brazilian Propaganda: Legitimizing an Authoritarian Regime (University Press of Florida, 2014). See also Fico, C. Como eles agiam. Os subterrâneos da ditadura militar: espionagem e polícia política (Record,
society that supported and facilitated the intervention and unconstitutional seizure of power by the military. The groups that took a stand against Goulart’s proposed reforms were described by historian Daniel Aarão Reis Filho as “[from] reactionary traditional elites to modernising business groups (...) much of the middle-class and even sectors of the working class (...). All of them felt that a radical process of wealth and power redistribution (...) would downgrade their standing” (Reis Filho 2014b, 37), the Catholic church must be added, as it was “definitely in favour of the coup” (Fico quoted in Arend et al 2013).

To this day, certain groups still express concerns about what in their view is a present-day plot to steer the country towards socialism. The ideological schism of the past was not confronted through a process of rational deliberation, but through violence, which was amnestied and forgotten, and erased from cultural memory. The policies formulated by the executive branch of the federal government to deal with the past and the representations of the past they promote and preserve are discussed in the coming chapters. The remainder of this section will offer a clearer perspective of when the regime gained and when it started to lose its legitimacy.

Recent studies demonstrate that despite the broad popular support for Goulart’s reforms, in a matter of months public opinion had shifted and there was ample support for the coup. Opinion polls recorded by the Brazilian Institute of Public Opinion and Statistics (IBOPE) in March 1964 in the state of São Paulo show support for Goulart was strong two weeks before the coup. Most respondents approved of the reforms he proposed; a high percentage thought the reforms were urgently needed (43%), many thought the reforms were needed, but should not be implemented hastily (26%), and only a small number of respondents (6,5%) thought they were not necessary (Motta 2015, 7). Historian Luiz Antonio Dias also investigated the material and concluded that “Goulart and his reforms had broad support” (Dias 2014, 115): a 70% positive appraisal for land

2001). Alessandra S. M. Costa and Marcelo A. C. Silva have researched the Brazilian truth commission’s disclosure of the support network for the regime and its repressive apparatus. They claim that the material evidence gathered by the commission shows that this network consisted not only of national and international business groups, companies and their associations and federations (such as FIESP and FIRJAN), but also “civil society organizations, such as institutes and research and study centres (as was the case with IPES and IBAD)” (Costa and Silva 2017). The latter were tasked with providing ideological support for the regime and disseminating those materials. See also ‘Civis que colaboraram com a ditadura.’ In Brazil, CNV 2014b.
reform in the largest cities, and a combined approval rating of 72% for the president, considered ‘great’ (13%), ‘good’ (29%) and ‘average’ (30%) by respondents (Ibid, 120).41

After the coup views changed: in May 1964 “over half the population (in São Paulo and Rio de Janeiro) supported the coup” (Motta 2015, 19).42 According to Motta, the data also point to another shift in public opinion between 1964 and 1965, which proves that “the political opinion of citizens was not characterised by its permanence” (Ibid, 4). Other polls confirmed the commonly held view that “upper classes received the coup with more enthusiasm,” with working-class respondents more likely to abstain (Ibid, 3-5).43

Motta’s findings demonstrate the existence of a large contingent who remained silent: “the other half of the population did not support the coup or was undecided or indifferent about Goulart’s downfall” (Ibid, 19). Historian Janaína Cordeiro also indicates that many citizens were oblivious to the political debate: “between (...) resistance on the one hand, (...) and support for the regime on the other, there is also indifference and those who claimed and still claim not to have known anything” (2009, 91). Researchers agree that this group has been forgotten in the existing historiography of the dictatorship (Reis Filho 2010a; Fico quoted in Arend et al 2013). Few studies mention the populations only structurally affected by the regime’s use of violence. Non-direct victims make up millions of citizens who neither supported nor resisted the regime. They were not told about the violence and did not ask questions, either. Most non-dissident citizens were only indirectly affected by the violence between the regime and organised political groups during the dictatorship. They experienced first-hand a different past from that portrayed by the official initiatives, which focus almost exclusively on human rights violations.

Polls indicate that within a year of the coup, a negative view of the regime started to emerge. However, it still took many years for the legitimacy of the dictatorial government to be openly questioned.44 Motta has shown that public support for the

41 Motta and Dias refer to different polls conducted by IBOPE. According to Motta, at that time polls were not meant for publication. They were normally carried out by request of politicians or business groups (2014, 4).
42 The majority in support for the military intervention is recorded in a poll from May 1964 reported by Motta (2015), but, as the historian points out, it is impossible to tell whether that majority existed before the coup.
43 Motta describes IBOPE’s methods as similar to those used currently by the polling agency: around 500 interviews were held in each city, with male and female interviewees of different socio-economic backgrounds (Motta 2015, 5). There is no suggestion of political concerns or fear of the military influencing the interviews.
44 Motta reports on a poll on Castelo Branco’s government carried out in Guanabara state in February 1964, in which 45% of the respondents claimed it was ‘satisfactory’ and 46% declared it ‘unsatisfactory’ (Motta 2015, 18).
dictatorship fluctuated enormously during the regime. In 1965 there was “rapid erosion of support for the Castelo Branco government” (2015, 21). Still, large military parades were held to celebrate the ‘Revolution’ on 31 March 1965, with a huge turnout in the country’s most important cities (Castro 2008, 124).

Nineteen sixty-eight was marked by clashes between protesters and law enforcement. An early confrontation occurred in Rio de Janeiro, with protests against a rise in the price of meals in a student restaurant. An unarmed eighteen-year-old student was shot and killed by an agent of the military police. The death caused huge commotion in the country, and protests were held in many cities. The largest demonstration, known as the “Demonstration of the 100 Thousand” (Passeata dos 100 Mil), was held in Rio de Janeiro on 26 June 1968. Students, intellectuals and artists called for an end to the dictatorship. As the movement gained force, repression intensified. A major decree known as “Institutional Act Number Five” (AI-5, Ato Institucional Número 5) was issued by Gen. Costa e Silva in December 1968. Among other measures, Congress was shut, citizens’ political rights were further suspended and collective activities such as mass demonstrations were prohibited.

During the years under the harsh Gen. Médici (1969-1974), Brazilians’ support for the military was high, particularly after Brazil’s 1970 World Cup title. Football stadia were an important indicator of popular opinion, as it was one of the few places where individuals from different socio-economic backgrounds gathered. They often applauded the dictator, “manifesting their consent to the regime” (Cordeiro 2012, 32). During Médici’s presidency, the conservative party ARENA (established by the military in 1965) obtained more than 80% of the votes in some electoral processes (Furtado 2016, 105). 

Cohen warns against interpreting the high level of support enjoyed by Médici as empathy for right-wing conservatism. Based on his study that indicated the ‘unpoliticiation’ of

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45 It is an interesting characteristic of the Brazilian dictatorship that the democratic system remained operational for most of the regime, in what is referred to as a “democratic façade”. Certain democratic elements were maintained during the authoritarian regime, such as local elections and the so-called ‘bionic’ members of Congress, who voted with the regime whip. Elections were held for city councils, state-level executive power and the Senate. Polls and the running of government obeyed rules devised by the authoritarian state, often leading to untrustworthy results and the vetting of parties and candidates at every level. This meant the regime had a pliant Congress that rubber-stamped laws imposed by the executive (Schneider 2013b, 150; Ridenti 2014, 30-1). Between 1966 and 1979, only two parties were allowed to run in the elections, the ‘opposition’ Brazilian Democratic Movement (MDB, Movimento Democrático Brasileiro) and the “party of government,” the National Renewal Alliance (ARENA, Aliança Renovadora Nacional).
most Brazilians, he draws attention to the high level of political apathy and affirms that it should be interpreted as a 'non-attitude' towards politics (Cohen 1979).

In 1974, on the 10th anniversary of what was then described by the regime as the ‘Revolution,’ there was a week-long celebration, with public events. However, in the following years, “the celebration (...) progressively left the streets, becoming restricted to military areas” (Fico et al. 2008, 124). By the ‘summer of amnesty’ of 1979-1980, when those who had been in exile returned to the country, support for the dictatorship had vanished (Reis Filho 2013). The next section turns to some of the most relevant aspects of the process of return to a democratic system of government, which had an impact on how the dictatorship was memorialised later on.

2.5 Transition to democracy

We hate the dictatorship. We hate it and it disgusts us. We curse tyranny wherever it disgraces men and nations.
- Ulysses Guimarães, president of the Constituent Assembly during the promulgation of the 1988 Constitution

The “decompression” (distensão) started in 1974 after Gen. Ernesto Geisel announced a 'slow, gradual and sure relaxation.' Brazil’s transition to democracy took eleven years to conclude, finishing in 1985. This long process is now deemed a “textbook case of a ‘conservative’ transition to democracy” (Power 2000, 3). A military-vetted civilian government took over in 1985, and citizens had to wait until 1989 to elect their president—a quarter of a century after the ousting of Goulart.

The opposition party, MDB, was successful in the 1974 elections. This was an early indication of the wearing down of the regime’s political legitimacy. Social dissatisfaction became tangible as civil society mobilised to stage demonstrations against the regime. Student strikes and public protests were followed by a campaign for amnesty. Although political scientist Glenda Mezarobba claims there had been calls for amnesty “right from the start of the dictatorship” (2010, 10), most authors point to 1975 as the beginning of this movement. That was the year the “Feminist Movement for Amnesty” was launched, marking the entry of human rights terminology in the nation’s political life (Greco 2003,
69; Jelin 2010, 7). Over the following years, the Brazilian Amnesty Committee established offices in all the major cities, and civil society started to engage with the issue: “window stickers were displayed on cars, brochures were distributed on the street and rallies were held to raise public awareness” (Mezarobba 2010, 10).

A broad popular movement campaigned for a “Wide, General and Unrestricted Amnesty” (Anistia Ampla, Geral e Irrestrita), so that exiled Brazilians could be allowed back into the country. In the absence of information about people’s whereabouts, relatives of fatal victims of political persecution hoped that with the amnesty their loved ones might return. This campaign was the first time different groups that had suffered as a result of actions by the regime came together, fighting for the same cause. Survivors, relatives of the political dead and disappeared, citizens forcefully dismissed from work by the regime, trade unionists and representatives of organised sectors of civil society in Brazil and abroad formed a united front that expressed their disapproval of the regime. It became clear that public support for the regime was eroding, and the Armed Forces initiated an exit strategy while it could still guarantee continued influence in national affairs.

Under Gen. Figueiredo, an amnesty was negotiated between high-ranking military officials and members of Congress.46 This was an important step that not only set the tone of the transition but also influenced how the regime would be remembered over the following decades. The year of 1979 is deemed a ‘ground zero’ of memory, the moment in which the possibility of what Heloisa Amelia Greco calls an ‘anamnestic amnesty’ still existed; that is, an amnesty oriented towards reparation and concerned with truth, justice and remembering the past. Its antithesis is an ‘amnesiac amnesty,’ which is characterised by “forgetting and pacification: national conciliation, compromise, concessions, (...) impunity” (2014, 165). After the negotiations, the choices were limited. Cecília Coimbra’s (a former political persecuted and representative of the NGO Tortura Nunca Mais) synthesis of the resulting Amnesty Law (n. 6.683/1979) shows which option was delivered:

[The law is] extremely limited (...) [it] left out segments of Brazilian society that (...) opposed the military regime, [and] created the category known as related crimes. (...) people on the side of the repression (...) were amnestied before they were

46 Amnesties were used more than sixty times in Brazil since the 19th century. For an analysis of its widespread use and ambivalences see Schneider, A. 2008. ‘Amnestied in Brazil, 1895–1985’. PhD Thesis, University of Chicago.
brought to justice [and] (...) their crimes revealed (Coimbra 1996, 166).

As Coimbra affirms, the legislation that was approved was not the amnesty that civil society had campaigned for. The 1979 Amnesty Law was a pact forged between the military and the political class to ensure democracy was reinstated. Congress approved the law by a narrow margin, 206 to 201—there would be no settling of accounts with the past (Pinheiro 2009, 177). This was again the result of the conciliation of the elites which opted for an amnesiac amnesty, to forget and accept impunity.

Around 4,650 exiles were affected by the law and allowed to back in the country (see Brazil, CNV 2014a, 107), but militants from guerrilla groups charged with blood crimes and offences against National Security (such as terrorism and subversion) were excluded from the deal. Thirty-five of the remaining fifty-two political prisoners serving time when the amnesty came into force remained in prison. The amnesty movement was successful in forging a consensus around the idea that all who had opposed the dictatorship deserved respect. This became the cornerstone of an emerging narrative of ‘resistance’.

Despite the agreement over the terms of the amnesty by legislators, there is much scepticism over how much bargaining power and input politicians could muster at the time and the law is often referred to as a ‘self-amnesty’.47 Truth commissioner José Carlos Dias has claimed that given the situation the country was in, “there was no other way” (quoted in Arruda 2014). Legal scholar Dalmo Dallari also remembers the amnesty negotiations as a moment of limited options:

we knew that it was unavoidable to accept limitations and that criminals participating in government or protected by it would escape the judicial punishment they deserved, but we considered it was appropriate to accept this distortion, for the benefit it brought to the [political] persecuted and their families, and due to the prospect of having comrades of undisputed democratic vocation and matured by experience back on our side (Dallari quoted in Fico 2011, 332).

The Armed Forces considered the amnesty an essential step in the process redemocratisation. The agreement was important for the entire corporation: the “hardliners” who were at the frontline of the repression and committed gross human rights violations, and officials who were not part of the political police of the regime, as

47 The Amnesty Commission representative Paulo Abrão, for example, considers the 1979 law a self-amnesty because Congress was under the control of the military (Gombata 2014).
officials of many ranks are said to have committed “irregularities throughout the regime” (Fico 2011, 333; see also Brazil, CNV 2014b, 402). The Amnesty Law gave the Armed Forces the legal protection it wanted: it has been interpreted as a manifestation of ‘commanded forgetting’ (Ricoeur 2004)— all sorts of crimes committed by officials during the regime were exempted from criminal liability.

Truth commissioner Maria Rita Kehl considers the Amnesty Law and its aftermath as typically Brazilian; she claims “there is something of a ‘Brazilian way’ in how the pact was put together and how quickly society readjusted, with no one being punished” (quoted in Kachani 2014).48 The guarantee of impunity for those who implemented and carried out the dictatorial regime is an aspect of the democratisation that has been referred to as a “pragmatic reconciliation” (Mezarobba 2010, 11). This “transition in which a feigned amnesia (…) was the order of the day” (Pereira 2005, 162) marked the start of a state policy that promoted what Rebecca Atencio has classified as a “reconciliation by institutionalised forgetting” (2014, 12).

At present, the Amnesty Law is perceived as Brazil’s first transitional justice measure, some sort of “initial milestone of the reparation procedures” (Carvalho et al 2016, 36). It continues to cast a shadow on the memorialisation of Brazil’s most recent dictatorial regime, with ambiguous outcomes. If it laid the foundation for Brazil’s transition and transitional justice mechanisms, at the same time it built into them two antagonistic pillars: “impunity and secrecy” (Weichert 2016, 7). The amnesty eventually became perceived as “an obstacle for the investigation of wrongdoing and criminal prosecution of perpetrators of crimes committed by the State” (Carvalho et al 2016, 36).

During the 1982 multi-party local elections, voters displayed their discontentment with the regime. Opposition parties gained popular support, winning seats in Congress and the executive power of important states. Two years later, mass demonstrations called for presidential elections, in a movement known as “Direct Elections Now” (Diretas Já). Despite the support of millions of Brazilians, the regime organised indirect elections, and Brazil’s first civilian president in twenty-five years was elected through the Electoral College, where pro-regime parliamentarians held the majority of votes.49

48 The connection between the amnesty and the “Brazilian way” (jeitinho brasileiro) is also pointed out in González and Lentz. 2012. ‘Qual será a verdade do jeitinho brasileiro? Perspectivas sobre a Comissão Nacional da Verdade do Brasil.’ Ciências Sociais Unisinos 48(2).
49 The system used in 1985 to select Brazil’s president and vice-president was the one employed during the
The successful contender was Tancredo Neves, a politician who had been pivotal for the Diretas Já movement and was well-liked by civil society. However, Neves became seriously ill and died before ever taking office. Former ARENA politician José Sarney—described as “not a critic of the military regime” (Pereira 2005, 162)—was sworn in as Brazil’s president.50 The ‘New Republic’ (1985—present) started with a mandate to form a constitutional assembly. The approval of the 1988 Constitution and the presidential elections of 1989 concluded the transition and put an end “to the formal traces of the authoritarian regime” (Fausto 1994, 527).

The pact that made the return to democracy possible and the political regime that resulted from it are often criticised. Historian Boris Fausto, for example, claims that in Brazil, the end of authoritarianism led to a “democratic situation” (i.e. something provisional), not a “consolidated democratic regime” (Ibid, 527). Political theorists Frances Hagopian and Jorge Zaverucha deliver even harsher assessments of the transitional pact. Hagopian emphasises that the obstacles that remained obstructed the path to further democracy:

the way the civilian rule was consolidated (...) hindered democratisation (...), pacts did not broaden and deepen democracy (...). If democracy does eventually evolve in Brazil, it will do so despite the political pacts of which the civilian regime was born, not because of them (Hagopian 1990, 149—66).

Zaverucha is critical of the system the 1988 Constitution formalised, which he deems profoundly undemocratic: “what seems to be consolidated in Brazil is the nondemocratic-consolidation of its civil-military relations” (1997, 25). The problem rests in part with the elites’ practice of negotiating among themselves and imposing their will upon the rest of society.51 The pact orchestrated between the incoming political elite and

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50 Historian Daniel Aarão Reis Filho has rightly remarked that there has been much more interest in the armed left than the organised politics of the military dictatorship. No matter how small leftist organisations were, practically each of them has been a topic of academic research. However, the right-wing ARENA, which once boasted of being ‘the largest party in the Western world’ is yet to receive the attention it deserves (2010b, 10).

51 In Brazil, politics of conciliation (sometimes translated to English as “compromise”) does not refer to an agreement between equals, but to the elites’ capacity to maintain the status quo with an appearance of harmony
the outgoing military officials ensured that not much changed after the regime was over. A considerable amount of “authoritarian rubble” (Pinheiro 2009, 177) was left behind: there was no overhaul of institutions such as the police, Congress and the judiciary. The regime’s violence workers, its judges and bionic politicians who had given institutional support to the military government remained in their posts (Pinheiro et al. 1999, 42; Pereira 2005), and much carried on like before.

Casper and Taylor (1996) are also critical of the political engineering and elite bargaining that occurred during the transition. They see the ‘path of compromise’ chosen by decision-makers as having a negative impact on the balance of power between social actors and the military in the long-term. They are suspicious of the fact that once the new democratic regime was implemented, the processes of de-militarisation and democratic consolidation stagnated.

It is true that the Armed Forces were successful in retaining considerable prerogatives. For example, military officials were almost a quarter of the Cabinet during the Sarney years (Power 2000, 214). The military independence and bargaining power persist to this day; three decades after the transition to democracy, commentators note that the military view has been decisive deciding how to address the authoritarian past. Political theorist Glenda Mezarobba claims that “transitional justice has unfolded essentially on the terms envisaged by the military” (2016, 120). According to political theorist Maria Celina D’Araújo, the Armed Forces have kept a veto power concerning all aspects of the amnesty law: “Brazil (...) is the country where state agents (...) have been more successful as veto players when it comes to revising the period in the light of new data and new political, human or legal perspectives” (2012a, 575).

The power of the Brazilian military stems in part from the 1988 Constitution. Article 142, which regulates the relationship between the Armed Forces and the three constitutional powers (Executive, Legislative and Judiciary), generates distrust from democratic actors. There seems to be a constant need “to ensure that the military will
continue to support the democratic regime” (Casper and Taylor 1996, 215). The article’s wording is unclear, and it has become the object of heated debate among legal scholars:

the Armed Forces (...) are permanent and regular national institutions organised on the basis of hierarchy and discipline, under the supreme authority of the Presidency of the Republic, and are intended for the defence and the guarantee of constitutional branches of government and, on the initiative of any of these branches, law and order (Brazil 1988a).

One common interpretation is that Article 142 can be used as a ‘back door’ for a military coup because it places the Armed Forces “legally above the law” (Zaverucha 2017), as a supranational body that acts as “official ‘guardian’ of democracy” (Casper and Taylor 1996, 216). This means that in 1988, the Armed Forces retained their “historical role as the ultimate arbiter of unrest” (Power 2000, 214) which can be found in the Brazilian Constitutions of 1891, 1934, 1946, and 1967 (Hagopian 1990, 154). The article and countless episodes in which officials make their views known on the politics of the day (during elections or at moments of social unrest, for example) are stark reminders of how unstable the civil-military relationship in Brazil is. Up until now, the Armed Forces have not defected from the arrangements made during the transition, and democracy has endured (Casper and Taylor 1996, 217). However, constant references to article 142 and officials’ ambivalent views about the violence inflicted upon civilians during the dictatorship (da Rocha 2011, 11 note 7), give rise to instability and foment the suspicion that the Armed Forces continue to be a menace to Brazilian democracy.

The year 2010 saw two important developments related to the dictatorial past. In April, the 1979 Amnesty Law faced a challenge in the Supreme Court. The law was upheld by a seven-to-two ruling. Upon casting her vote, Minister Ellen Gracie expressed a position that most of the ministers of the Supreme Federal Court agreed with:

the amnesty was the price Brazilian society paid in return to the transition from an authoritarian regime to full democracy. (...) it is not possible to live history retroactively, nor should it be distorted to take on contours that seem more palatable to us (Gracie quoted in Brito and Ferreira 2014, 37). 53

53 The revision of the Amnesty Law is referred in the literature as ‘ADPF 153,’ which stands for “Claim of Non-compliance with a Fundamental Precept” (Arguição de Descumprimento de Preceito Fundamental). For an analysis of the decision, see Gallo, C. A. 2017. ‘O Brasil entre a memória, o esquecimento e a (in)justiça: uma análise do
Interestingly, only seven months later, on November 2010, the Inter-American Court of Human Rights (IACHR) published its ruling of the *Gomes Lund Case* (Gomes Lund et al 2010). That case is based on a petition filed by victims’ relatives in 1995 with the Inter-American Commission on Human Rights against the Brazilian Government over crimes against humanity perpetrated in the Araguaia region. The Gomes Lund case became increasingly relevant as it progressed through the Inter-American system for the protection of human rights. It was referred to the IACHR in 2009, and in November 2010 the Court condemned Brazil, holding the state accountable for the forced disappearance of 62 communist guerrillas in the state of Pará between 1972 and 1974. It called for criminal investigations in cases of forced disappearances perpetrated by state agents—lifting the amnesty.

Following the ruling, the Judiciary has been under pressure to prosecute perpetrators of gross human rights violations committed during the military dictatorship. Legal actions which normally would be cut short because of the Amnesty Law are being allowed to run their course. This includes criminal actions against regime officials filed in 2008/9 by the Federal Prosecutions Office (MPF, Ministério Público Federal) and a petition for a second revision of the 1979 Amnesty Law filed in 2010 (Brazil, Federal Prosecutions Office 2014, 90).

Although there have been advances, Eugênia Gonzaga, CEMDP president between 2014-2019 and São Paulo state MPF Officer, has expressed her concern about the sluggishness of these processes: “in the Judiciary (...) lawsuits are not moving; defendants and witnesses are dying. If the Supreme Court continues to delay its decision, impunity will carry on” (Gonzaga quoted in Tavares 2017).

In 2015, the IACHR held a public hearing to evaluate the CNV report. Truth commissioner José Carlos Dias rhetorically asked that the Court establish “how the CNV report should be interpreted in light of Brazilian history” (IACHR 2015). The Court found

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54 The Commission exists since 1959, it observes human rights conditions in the 35 members of the Organisation of American States (OAS).

55 This was the fourth time an Amnesty Law was invalidated by the IACHR, following Peru, Chile, and Uruguay. He cites the Court’s ruling: “the provisions of the Brazilian Amnesty Law that prevent the investigation and sanctioning of severe human rights violations are incompatible with the American Convention, have no legal effects and cannot continue to stand in the way of investigating the facts of this case” (IACHR ruling on the Gomes Lund case quoted in Engstrom 2013, 12).
the CNV an important, but insufficient step: “The work of the CNV does not replace the state’s obligation to investigate and punish the crimes, and (...) the Amnesty Law continues to be a problem in terms of assigning responsibility to those who committed and ordered the crimes” (Idem). According to the Court, Brazil needs to do more to ensure access to justice.

2.6 On chronology and memory shifts

Cultural memory is a social construction, and what makes the pages of history books depends to a large extent on political decisions. Historian Robert Gildea describes memory as a two-tier system made up of the “multitudinous and fragmented memories” that belong to individuals, and collective narratives: “myths elaborated by politicians, intellectuals and the media to order and explain those events, and to overcome the pain associated with them (...) narratives of the past which serve to give an identity to a collectivity such as the nation, bind it together and legitimate policy decisions taken on its behalf” (Gildea 2004, 1). This dissertation investigates the latter category, that is, collective narratives about Brazil’s recent past. This section addresses the formation of what became the mainstream discourse about the post-1964 Brazilian dictatorial regime, which was ubiquitous in Brazilian society when transitional justice initiatives started to be implemented.56

The politics at the centre of the past dispute was never fully addressed. As discussed above, censorship and violent repression against civilians were common during the dictatorship. The negotiated pact embodied in the 1979 Amnesty Law, constituting what Greco aptly named an ‘amnesiac amnesty’ (2014, 165) that institutionalised forgetting meant two things, one, that the past would be left behind—i.e. there would be no prosecutions, and two, that the sectarianism of the radicalised political spectrum (left and right) would not be resolved. The key divergence consists of whether the definition of

56 Félix Reátegui emphasises that there is always an established memory prior to the implementation of transitional justice initiatives: “we are not facing an empty space of memory of the past” (2011, 363).
‘terrorism’ is to be applied to the state policy to suppress resistance or to the effort of resisting state power through violent action. This defines whether those tortured and killed by the military should be deemed national heroes (as the left thought) or subversives (as the right contended).

Two characteristics of the Brazilian process differentiate it from the dealing with the past done in other Latin American countries. First, despite the regime lasting 21 years, its most repressive period was limited to December 1968 to 1974, when the process of decompression was initiated. Thousands of people were arrested in the first year of the regime, but in time the military became “clinical and selective” in their use of violence (Starling quoted in Hist 2013a, 20). Second, there was a time lapse between political violence and the writing and talking about it in public. Censorship restricted the information available in the country, it started to be phased out during the years under Geisel (1974-1979). After the end of the authoritarian regime, there were still around fifteen years of silence, “until authors could finally examine (...) the traumatic experiences of the past” (Wainberg 2010, 50).

The construction of a memory of the years Brazil was under military rule can be understood as a negotiation process among contending historical cultures. The process began during the dictatorship, when works such as Viana Filho’s “O Governo Castelo Branco” (1975) and Krieger’s “Desde as missões” (1976) were published. They represent an early attempt to construct a historical narrative of the regime from the point of view of the military. The Armed Forces prefer not to talk about the past—especially the disappeared and gross human rights violations committed by officials. The military perspective has been to silence about the crimes, and, if these crimes come under public scrutiny, defend the Armed Forces, either by claiming these were actions by ‘a few bad apples’ or by defending the perpetrators, by claiming that their crimes were necessary and justified: “there are times when an individual is impelled to torture to obtain confessions and thus to avoid a greater evil” (Gen. Ernesto Geisel, speaking to D’Araújo and Castro [1997] quoted in Brazil, CNV 2014a, 105).57

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57 See the series edited by D’Araújo, Castro and Soares published in the 1990s (Relume Dumará) for interviews with officials who were active during the military regime; and the Armed Forces oral history series; Motta, A. de Moraes (Ed.). 2003. 1964 – 31 de março: o movimento revolucionário e sua história. Rio de Janeiro: Biblioteca do Exército.
For many years after the return to democracy, the regime was not discussed in the media or taught in history classes (Pereira and Pereira 2011), the systematic use of violence against civilians was suppressed from the historical interpretation in circulation. This explains in part the reason why many citizens to this day have little information about the dictatorship and struggle to understand the complex issues related to the interpretation of the national past. In Brazil’s case, during the silent period, conflicting perspectives about the past solidified, myths and stereotypes were created and a simplistic, dualistic view of heroes vs. villains was reinforced (Fico 2004).

Debates about the memory of the Brazilian dictatorship must take into consideration the general indifference and lack of knowledge among non-victims towards the dictatorship and the human rights violations perpetrated during the military regime. A report published by the Brazilian Institute for Applied Economic Research (IPEA, Instituto de Pesquisa Econômica Aplicada) offers some insight into the social context in which the government’s initiatives concerning the legacies of dictatorship have been established. It reports that before the truth commission less than one in four citizens (24.3%) were aware of the contents of the Amnesty Law—a high percentage (42.9%) had never heard of it, while about a third of the population (31.9%) had heard about it, but did not know what it was (da Rocha 2011). This partially explains why news coverage about the initiatives was limited, and seldom made the headlines. Brazil’s silent majority has limited interest in the process of revisiting the past and considering the implications of state responsibility towards victims of crimes perpetrated during the country’s most recent bout with authoritarianism (Mezarobba 2010, 16).

It is important to bear in mind this broader context, marked by the indifference from the majority of the Brazilian population, most of whom have been structurally and indirectly (rather than directly and personally affected) by the regime. Janaína Cordeiro was right in characterising the way society deals with the dictatorship as a shrug; the historian affirms that Brazilians see it as “a military thing” (2012, 308), as opposed to a foundational element of Brazilian identity. For this and other reasons, Reis Filho is critical of the separation between Brazilian society and ‘them,’ its military, something many
academics tend to do. He stresses that “the dictatorship (...) was not an alien body (...) it was a product of Brazilian society” (2010b, 12).

The Armed Forces as an institution continues to claim its seizing of power was not a coup but a democratic counter-revolution, in which the military acted according to the will of the nation. In their interpretation, the process was necessary to save Brazil from a president (Goulart) who was conspiring to establish communism and bring chaos to the country. The military waged a war against communists (in particular the revolutionary Left and the armed guerrilla), which they claim posed a threat to the Western-Christian tradition they sought to defend (de Angelo 2012, 3). Rather than apologise for that, many officials and regime supporters think the Armed Forces should be thanked for the regime.

According to historians, the military’s main justification and interpretation of the coup and the ensuing regime are severely flawed. Claims of a ‘red danger’ (i.e. communist forces threatening to seize power) are overstated (Reis Filho quoted in Teles 2001, 135). There is rarely any sign of regret or indication of a sense of wrongdoing in the Armed Forces’ reading of events; among perpetrators the clearest attitude is loyalty to the institution, as exemplified by the declaration Col. Paulo Malhães made during a truth commission hearing in 2014: “I did my duty” (quoted in Daltoé 2016, 162).

The Brazilian case confirms findings in Argentina and Chile (Jelin 2003; Stern 2010), which affirm the dynamic and contingent nature of justice-seeking processes based on continuous interaction and negotiation between civil society and state actors. Brazil’s organised civil society demanded action from decision-makers. The memory of repression and violence against civilians was kept in circulation owing to the efforts of victims (many of whom were incarcerated and tortured by regime officials) and relatives of the dead and disappeared. Their activism meant accountability remained on the agenda; they demanded acknowledgement of the crimes, the punishment of perpetrators, deterrence (i.e. the end of torture and enforced disappearances) and reparation (in particular the location of the remains of their loved ones).

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58 Historian Rodrigo Patto Sá Motta concurs on this point, affirming that “some groups participated, supported or adhered to the military regime—which was not an external force or the result of a military defeat, but a political construction deemed legitimate by significant social sectors” (2016, 11).

59 This list has been compiled based on a 10-point list presented by the families to candidates during the 1994 presidential elections (Brazil, CEMDP 2007, 33). These demands have been taken up by groups organised by victims and relatives of fatal victims. They include: “Torture Never Again” (Tortura Nunca Mais), “Commission of Relatives of the Political Dead and Disappeared” (Comissão de Familiares de Mortos e Desaparecidos Políticos no Brasil)
In the early 1980s, a first wave of publications presented a vision of the past from the perspective of former militants. Best-selling books such as Gabeira’s “O que é isso, Companheiro?” (1979) and Sirkis “Os Carbonários” (1980) were not well received among civil society groups representing victims, because they depict the regime in a light-hearted way.60 The same occurred years later with Ventura’s “1968—o ano que não terminou” (1988) (Furtado 2016, 116; Atencio 2014, 38-43; Reis Filho 1997, 34). These publications offer a conciliatory version of events, in hindsight perceived as a romanticised and myth-making perspective (Fico 2004; Atencio 2014, 38); political activists are portrayed as a typical product of the rebellious 1960s. A second wave of memorialisation saw a more critical left that strived to be more factual and evidence based. It includes volumes such as Gorender’s “Combate nas Trevas” (1987) and Reis Filho’s “A revolução faltou ao encontro” (1990).

Historical research on the regime emerged first outside of Brazil.61 According to historian Maria Paula Nascimento Araújo (2004), methodological constraints meant Brazilian historians only started to write about the issue in the mid-1990s. Fresh new understandings—that historians are not neutral (‘history from below’); that they can have first-hand experience of their object (‘histoire du temps présent’) and that they can use testimonies as sources (‘oral history’)—meant Brazilian historians could catch up with sociologists, economists and journalists who had been writing about the events in the country “almost as they unfolded” (Ridenti 2018).

As discussed above, the military regime was carried out with the support and complicity of conservative sectors of society, with complex and changing relationships and interconnections being established between the military and powerful groups (such as the media, business groups, the Catholic Church, and the middle-class). Popular support for the regime fluctuated, and as opinion polls from the period have shown, it was not supported by the majority of the population through the whole time (Dias 2014;...
Motta 2015). Historian Denise Rollemberg suggests that the military are not alone in trying to forget and let bygones be bygones: many civilians also have an interest in not stirring the traumas of the past (2006, 10).

2.7 Conclusion

After the transition to democracy, any public support that the military had all but disappeared. In what can be deemed a turn in the tide of memory, civilian support and participation were omitted from collective memory. Regardless of observers’ theoretical perspective, there is a shared understanding that the narrative of the victors (the military) was superseded in Brazilian society by that of regime dissidents. Until a few years ago, groups that had previously supported the military did not publicly declare their support or celebrate their role in events related to the military period of Brazilian history. The absence of demonstrations of support for the regime after it had ended and the fact that in hindsight the period is remembered only in negative terms is considered by representatives of the Armed Forces as a ‘betrayal’ (de Aquino 2004, 3). They resent the fact that “the vanquished came to ‘own’ the past” (D’Araújo et al 1994b, 13).

One difficulty in obtaining a historical understanding of the Brazilian dictatorship is to navigate the changes on how the past has been grasped in the years and decades following the regime. The problem starts at the most elementary level of historical analysis: the chronology of events. The varied lexicon and plurality of meanings attributed to the dictatorial past can also be a complicated aspect in analyses of the Brazilian dictatorial regime. So much so that today, the chronology and terminology used

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to describe those events can be used to identify a commentator’s position within the Brazilian ‘memory wars’ (Martins Filho 2009).

The initial action that led to the Armed Forces seizing federal power, the Tiradentes Troop’s march to Rio de Janeiro, is a good example. The movement began on 31 March 1964, and the rebellion was not over until the early hours of 2 April when the democratically elected President João Goulart was declared to have abandoned the post by Parliament. Those with a negative assessment of the regime classify the events as a coup d’état and mark the occasion on 1 April. Regime supporters, on the other hand, have always celebrated on 31 March what they refer to as the 1964 ‘Democratic Revolution.’ During the regime citizens were forced to use the term ‘Revolution;’ one member of the public claimed her “greatest joy after the distensão, was being able to use the term ‘Coup’ rather than ‘Revolution,’ and to think of it as having taken place on 1 April, and not 31 March” (Maria Thereza Brito de Lacerda quoted in Uol Política 2014).

According to D’Araújo, “there is no consensus regarding the beginning and end of this political experiment” (2015, 157). At which point one decides to end the transitional period is a political choice and establishing an endpoint for the military dictatorship is by no means easier. Possible dates include 1979, 1985, 1988 or even 1989-90. This explains why Samuel Huntington has said that “the genius of the Brazilian transformation is that it is virtually impossible to say at what point Brazil stopped being a dictatorship and became a democracy” (quoted in Abrão and Torelly 2011, 232).

Towards the end of the regime, the term ‘military coup’ became widely used to designate the events of 1 April 1964. The influence of the 1964-1985 chronology and use of the term ‘military coup’ and ‘military regime’ grew over the years to make these the most widely employed definition of the recent Brazilian past. The events of 1964 are normally referred to as a coup, and the regime itself is generally referred to as ‘the military regime.’ Another common characteristic is the left being represented as a broad resistance movement against the regime, which is often presented as that should never again return (Napolitano 2015, 18). In this ubiquitous reading of events, the standard chronology is that the dictatorship started on 1 April 1964 and ended with the stepping down of the last ruling General on 15 March 1985.

Figueiredo had become president in 1979 and was responsible for carrying to completion Geisel’s distensão, steering the country towards a period of democratic
transition. As discussed above, Tancredo Neves’ sudden illness and death meant José Sarney became President in 1985. Figueiredo refused to participate in the ceremony that marked the start of civilian rule. In 1988, a new constitution was written (characterised by a break with the regime’s 1967 Constitution).\(^6\) The new Constitution ingrained democracy, the rule of law and fundamental rights as legal benchmarks of the country, paving the way to the first presidential elections after the dictatorial period in Brazil, in 1989. Elected president Fernando Collor took office in 1990. 1979, 1985, 1988, 1989 and 1990. Each of these dates represents a possible temporal framing to mark the end of the regime.

Some question the timeline of events and argue that binding the regime’s chronology to the last military president reinforces the false belief that it was an exclusively ‘military’ affair. Cordeiro declares 1985 the “year of memory,” when “a consensus was formed around the new democracy” (2012, 41)—forming a mainstream discourse about the dictatorship. Historian Marcos Villa, however, proposes a different chronology for the dictatorship.\(^4\) His starting point is the year of 1968 when the Institutional Act Number Five was issued—the regime’s fifth and most infamous decree, which marked the escalation of the authoritarian power grab and use of violence (2014). Villa’s reasoning includes the fact that democratic elements were operational until 1969 (local elections, Congress). He stresses the “intense cultural activities in drama, music, poetry and the fine arts, as well as powerful behavioural changes among the young, especially with regard to dealing with authority, much in the same way as in the rest of the world” (quoted in D’Araújo 2015, 158). In this timeline, the dictatorial period ended on 1 January 1979, when constitutional amendment n. 11, promulgated on 13 October 1978 established that all constitutional acts would be abolished from 1 January 1979, effectively putting an end to all emergency legislation.

\(^6\) Former president da Silva acknowledges the difficulty in pinpointing the precise moment of return to democracy, with his options being the first civilian president in 1985 or the 1988 Constitution. See da Silva, 2014.

\(^4\) Marco Antonio Villa is famous for his lenient view of the Brazilian dictatorial period and conservative revisionism. He was one of the few intellectuals to defend an editorial published by Folha de São Paulo in 2009 that used the term ditabranda (“soft dictatorship”) to refer to the Brazilian regime, an attempt to downplay the violence of the military regime. His readers tend to be right-leaning individuals (Bianchi and de Almeida 2017). For a critique of Villa’s lenient narrative and ‘Brazilian negationism’, see Melo, D. 2014. ‘Marco Antonio Villa, o vendedor da ditabranda’ [Online]. VIMundo. Retrieved from: https://www.viomundo.com.br/politica/demian-melo-marco-antonio-villa-o-vendedor-da-ditabranda.html [Accessed 11 December 2017].
According to D’Araújo, Brazilian historians are starting to “adopt the most current chronology. An initial period might span from 1964 to 1968, when the most repressive period began, which lasted until 1979” (2015, 157). Scholar Marianne Wiesebron accepts that premise, and points to 1979 as a moment of deep change: “the state of exception (...) ended in 1979 (...). Exiled politicians were asked to return to Brazil (...). Artists and academics (...) were also slowly coming back” (2016, 7-8). The year is considered an accurate endpoint by Reis Filho, who points to 28 August, date when the Amnesty Law was passed, as the start of the rollback of the state of exception and a strong symbolic moment that marks the end of the regime. Restrictions were lifted, there was freedom of the press, the right to form political parties, and in 1982, multi-party local elections were held (2014a, 10; 2010a). The historian claims this was when civil society chose to forget: “amnesia was instantly accepted by society, so as to forget its own silence, apathy, and complicity with the crimes of the dictatorship” (Reis Filho 2001, 136-37).

This interpretation of Brazilian memory politics as silences that avert an honest relationship with the past has increasingly gained the attention of Brazilian historians. For Reis Filho, the ‘three silences thesis’ represents a fundamental ‘dislocation of meaning’ (2010a, 178) that transformed the memory of the left into a more satisfactory memory, which can be championed by the wider Brazilian civil society while making it possible to forget some of the less pleasant aspects of the past.\(^{65}\)

The retroactive suppression of civil society’s support for the Armed Forces, repositioning the political debate (shifting from supporters of the regime to supporters of the opposition) transformed the regime into something that is not agreeable with Brazilian society. From that moment onward, the regime has been perceived as something that has no place within Brazilians’ manners and mentality, a situation that had been imposed upon them—“an exception to the rule,’ a sinister parenthesis, fortunately, averted” (Reis Filho 2014a, 27).\(^{66}\) To associate Brazil’s leftist guerrilla

\(^{65}\) Reis Filho maintains that at the moment of the 1979 amnesty, three silences were produced which ultimately led to misrepresentations of the past; silences on torture and perpetrators, on civil society’s support for the regime, and on the left-wing ideology of militants (2010a, 173; 2014b, 49; see also Fico 2013b, 246).

\(^{66}\) In a well-known formulation, Reis Filho summarises the mainstream discourse about the dictatorship as follows: “Brazilian society lived the dictatorship as a nightmare that must be exorcised” (Reis Filho 2000, 10). See also Rollemberg, D. “Esquecimento das memórias.” In O golpe de 1964 e o regime militar edited by J. R. Martins Filho (UFSCar, 2006), 86; and Cordeiro, J. M. 2012. Lembrar o Passado, Festejar o Presente: as Comemorações do Sesquicentenário da Independência entre Consenso e Consentimento (1972), 310.
movements with the promotion of democracy, presenting them as morally superior and attributing their appeal to a distancing from violence, is problematic. These misinterpretations lead to a prompt dismissal of any claims concerning public support for the military thus avoiding discussions of wider responsibility for their lengthy period in office, which can lead to an unsophisticated analysis of the regime (Reis Filho 2014b; D’Araújo 2015).

Marcos Napolitano claims that the “hegemonic memory (...) is frankly unfavourable to the ideological and symbolic principles that guided the Armed Forces in the command of the Brazilian state” (2015, 17). According to Cordeiro, “the memory of the dictatorship as exclusively military and of society as innocent (...) consolidated” (2012, 310). This portrayal of society as both victim and adversary of the repressive military dictatorship has become the mainstream discourse about the dictatorship in Brazil. It ignores historical shifts in the resistance and support for the regime over the 21 years of military rule and tends to use the conflict between the military and leftist militants a central role to understand the period as if it were the key aspect about the years of military rule.

In academia, there have been detailed discussions about the regime, and there is a growing consensus that the term ‘military regime’ “obscures the fact that the dictatorship (...) had significant civilian support, particularly among those sectors of business that directly financed the repression” (Lisovsky and Leite e Aguiar 2015, 31). This is a positive development, as the idea that civil society rejected and resisted the regime from the outset has been a myth shaping the memory of the period. According to historian Samantha Viz Quadrat,

the myth of resistance used to forge memory, eventually won. In the waves of memory and forgetfulness, (...) the celebrations of the third World Cup in 1970 and the sesquicentenary of independence in 1972, the enthusiasm over the economic miracle, the subsequent victories of the conservative political party ARENA (...) among other examples, were erased (Quadrat 2015, 12).

Many authors now characterise the coup as a ‘civil-military’ partnership, but there is less agreement on how to define what came afterwards. For most, the initial situation gave way to a ‘military regime’ (Napolitano 2011, 215; Fico 2017, 59) because the Armed Forces were in power. Historian Demian Bezerra de Melo, who offers a Marxist reading of events, uses the term ‘military-industrial dictatorship’ (2013, 67) so as to indicate that powerful groups supported the regime. He is very critical of the idea that civil society
may bear any responsibility for the coup and the ensuing regime (2014, 170). Meanwhile, a growing number of historians have opted for the term ‘civil-military dictatorship’ to emphasise the civilian actors who supported and benefited from the regime.

These debates over the terminology and chronology of the regime that give it a practical, historical unity and analytical frame are important to understand the memorialisation of the post-1964 regime and post-authoritarian Brazilian memory politics. In this dissertation, the political order established post-1964 coup in Brazil is interchangeably referred to as ‘military regime,’ ‘dictatorship,’ or ‘dictatorial regime.’ This derives from the acknowledgement of certain facts: there was a coup in Brazil in 1964; it led to an authoritarian regime: Congress was shut; there was censorship; the rights of many were ignored; those who opposed the regime were violently persecuted.

Importantly, since the mid-2010s it is becoming increasingly clear that Brazilians have not yet reached a shared interpretation of the recent past. This means that the construction of meaning for the post-1964 regime and its legacy of widespread human rights abuse is still ongoing. In the opinion of the author of this dissertation, there is no justification to the brutal elimination of dissent using barbaric torture methods, enforced disappearances and assassinations carried out without due process—however, the knowledge and interpretation of the facts remain inconclusive at a societal level.

The process of memory formation is often referred to in terms of a ‘memory war’ (Lissovsky and Leite e Aguiar 2015); a binary reading that pits two historical cultures against each other: those who acclaim the regime and maintain that the violence was necessary and those who condemn the actions of the Armed Forces, who often campaign for the punishment of perpetrators and for more truth about the past to be publicly available. The reparation and truth initiatives introduced by the Brazilian federal government navigate this political maze, to an extent moderating the two perspectives to reach an outcome that is in the benefit of Brazilian society. This study hopes to help elucidate how, in addressing the national past, they act to reframe the official memory of the post-1964 dictatorship—to change the way Brazilians think about their past.
Chapter 3. The Initiatives Concerning the Legacies of Dictatorship

3.1 Introduction

The previous chapter offered an overview of the key themes and events that underpin Brazilian memory politics, and which continue to put groups at loggerheads over the just place of the memory of the 1964–1985 dictatorship in contemporary society. It also introduced arguments put forward by academics and the media regarding the construction of a historical narrative about the national past.

The present chapter turns to Brazil’s rejection of the pattern of silence and obstruction of investigations into human rights violations perpetrated during the dictatorship. It introduces the most important initiatives concerning the legacies of the regime established by the federal Brazilian executive power, offering a detailed mapping of the memory policies established by successive democratic governments between 1995 and 2016. Questions addressed below include who speaks in the name of the initiatives, when did the process of revisiting the national past start, what actions of memory have been conducted, which aspects of the past have been deemed worthy to be preserved and which channels are used to transmit representations of the dictatorial past to the wider civil society.

Brazil’s shift in memory policies was produced by at least three different forces. From the outset, there were calls from representatives of victims’ groups, asking questions and demanding answers from the government. The country also faced increasing international pressure. In addition, after some time, there was pressure from members of Brazil’s own political class.67 Valerie Rosoux has proposed a typology of calls for post-conflict reconciliation which is helpful to understand this process (2016); calls

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67 Historian Elisabete Tamas also reminds us that there were forces operating against these efforts: “every investigative commission (...) has been delayed and dispensed with official efforts to prevent them” (Tamas 2009, 307).
for change and for investigations into the past can come from three positions: outside, below and above. In Brazil’s case: the international community, civil society and policymakers.

The international dimension of Brazil’s process of reckoning with the past has three significant sides to it. During and after the regime, international organisations mobilised around the crimes against humanity occurring in Brazil, gathering information about what was happening and propagating it. Amnesty International denounced the practice of torture by the Brazilian military as early as December 1969. In 1972, it published a ‘report on allegations of torture in Brazil.’ Another important development was the 1975 Russell Tribunal on Repression in Latin America (see Section 2.3 above).

In 2011, the Brazilian Congress approved the law establishing CNV. The House had been debating the creation of a truth commission since 2009. As discussed above, in 2010 the IACHR considered the 1979 Amnesty Law incompatible with the American Convention on Human Rights in its ruling of the Gomes Lund case. It is likely that Brazilian politicians were aware of the decision, which would have influenced the approval of CNV.

The establishment of a truth commission is an opportunity for nations to present an account of itself and its past and set out a vision of the future it wants to convey nationally and internationally. Brazil has for a number of years pursued the ambition to be acknowledged in the international arena as a country that promotes political correctness and upholds international human rights norms and discourse (Macaulay 2010; Tamas 2009, 312; Schneider 2011b, 10). Unchallenged within South America, the country sought to be acknowledged as an equal among civilised nations (van Lindert and van Troost 2014)—an ideal that can be observed for example in Brazil’s dedication to solving international security crises and efforts to secure a permanent seat at the United Nations Security Council (de Almeida 2009, 175-6).68 Carrying out “the duty of lifting the lid off painful periods of history,” which “has almost become an international norm” (Weiffen 2012, 89), could benefit the country in the internationally, enhancing Brazil’s “role as an ascending player on the international scene” (D’Araújo 2014, 5).

Important as Brazil’s interest in becoming a full member the global community is, domestic politics had a crucial role to play in tipping the country towards its overdue re-

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68 Brazil has collaborated in more than fifty peacekeeping operations, with missions in Angola, East Timor, Lebanon and Haiti, among other nations.
memorialisation process and belated engagement with the dictatorial past. It would be incorrect to characterise simply as ‘from below’ the long and wide-ranging campaign for recognition of wrongdoing by the state and the prosecution of perpetrators waged by victims and victims’ relatives. Many of those who went into exile became spokespersons against the regime. They interacted with organisations abroad and upon their return, formed associations and NGOs in Brazil. ‘From below’ has been a much broader movement, that at times interacted with calls for change coming from ‘outside,’ and ‘above’. This was the case, for example with the Gomes Lund case, which started as an action by family members of the disappeared, later taken forward by legal advisers (Weichert 2016, 8). Similarly, the first official report (Brazil, CEMDP 2007), largely based on investigations conducted by victims groups—as a result of an interaction between representatives of the victims and the political class.

The pressure “from above” seems to have been particularly relevant in Brazil, where a former political exile, a former prisoner and a former member of the armed opposition have reached the presidency and became Commanders-in-chief. After 2005, many of those who had stood against the regime in their youth and pursued political careers after the regime came into power (Schneider 2011a). This political shift occurred in other countries in the region as well, as detected President Lula da Silva: “in most countries of Latin America, the left-wing, those who had waged the armed struggle in the 1960s and 1970s, came into power, won elections, and they are in power today” (2008a).

Following the end of the regime, in the spirit of the 1979 “amnesiac amnesty” (Greco 2014, 161–65), a complicit posture was adopted by the Brazilian government that did little to address the legacy of the dictatorial past. This was the beginning of a period of “acceptable inaction” and “strategy of forgetting” (Brito 2001, 216) comprising of institutional silence on issues related to the dictatorship and obstruction of investigations conducted by victims’ groups. In the years of the Sarney administration (1985-1989), some situations were put right, including the legalisation of the Communist Party of Brazil (PC

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69 Many authors agree that it was primarily because of demands of the social movements and victims groups that the question of revisiting the past became an item in the political agenda (Jelin 2010, 72; Collins 2012, 400; Quinalha and Teles 2015, 18).

do B, *Partido Comunista do Brasil*) and the release of political prisoners who were still serving sentences issued by the military regime. However, according to President Sarney, investigating crimes perpetrated by regime officials was “not on the political agenda” (quoted in Mezarobba 2010, 12).

The need to address the authoritarian experience has been different across nations in the Southern Cone. The degree of power still held by the military when leaving government is a factor influencing the actions directed at former repressive agents. Negotiated pacts and “conditional amnesties (...) limiting punishment on ‘reconciliation grounds’” (Teitel 1995, 151) became characteristic of this phase of transition to democratic rule in the region (Collins 2012, 405). Brazil’s transition was concerted, as was Uruguay’s. In that country, political parties briefly came together calling for truth and redress, but twice (in 1989 and 2009) the prosecution of perpetrators has been halted by referenda that upheld the amnesty.

Calls for truth and justice were more prominent elsewhere in the region. In Argentina “there was a desire (...) to transform political culture and create something new that rejected authoritarianism and the extremes of politics” (Carmody 2018, 88). Democratically elected President Alfonsín (1983-1989) was a strong voice in favour of prosecuting perpetrators. In Chile, Gen. Pinochet was still supported by a third of the population at the end of the regime, which gave the military a strong bargaining position. Even so, there were discussions around ‘the disclosure of truth, the investigation of the facts and the establishment of criminal responsibilities’ (Ibid, 88), which led democratically elected President Aylwin to talk of “justice with prudence” (Ibid, 90).

Brazil took its first step towards implementing international human rights norms during the presidential terms of Fernando Collor de Mello (1990-1992) and Itamar Franco (1992-1994), who allowed the first official visits to the country from the international NGO Amnesty International (Macaulay 2010, 139; Mezarobba 2010, 21). An important development was the location of an unmarked mass grave in the Perus cemetery (greater São Paulo), on 4 September 1990. Three political activists have been identified among the exhumed remains (Gonzaga 2019). This material is still under investigation by CEMDP.

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71 PC do B is the oldest political party in Brazil, founded in 1922. It was legalised on 23 May 1985.
Many authors have attempted to provide a cartography of democratic Brazil’s memorialisation of the country’s most recent dictatorship.\(^2^2\) Most point to the mid-1990s as an important inflexion point, the start of a distancing from the institutionalised silence about the regime that had up until that point marked the federal government’s strategy for dealing with the past (Bauer 2014, 157; Brito, Enriquez, and Aguilar 2001, 140; Napolitano 2011, 217). Some commentators point to a slightly later date, in the early to mid-noughties, as the moment in which silence was overcome and the right to truth and memory gained prominence in Brazilian politics (Carvalho et al 2016, 37; Santos 2010, 127; Schneider and Atencio 2016, 17; Schneider 2011b, 9). It would seem that demands from below, from outside and from the top created the momentum for a shift in the Brazilian process of coming to terms with past violence.

The executive branch of the federal government introduced the following initiatives concerning the legacies of dictatorship: CEMDP, an independent body established in 1995 by President Fernando Henrique Cardoso within the Ministry of Justice.\(^2^3\) Since 2004, it has operated from within the Office of the Special Secretariat for Human Rights of the Presidency. It was introduced to acknowledge the forced disappearances of civilians persecuted during the dictatorial period because of their political views. The *Amnesty Commission* is a temporary body of the Ministry of Justice that offers financial and moral compensation to victims. Cardoso signed it into law in 2001, but it only initiated its activities in 2002, during President Lula da Silva’s first term in office. It is still in operation. *Revealed Memories* was established by da Silva in 2005, but it was implemented only in 2009. It started as a collaboration between the Office of the Chief of Staff (it was later moved to the Ministry of Justice) and the Brazilian National Archives to collect, preserve and catalogue documents from the dictatorial period. CNV, a truth commission, was set up as an independent body within the Office of the Chief of Staff. It


\(^{23}\) Despite its name, Brazil’s Ministry of Justice is not connected to the Judiciary. It is a cabinet-level federal ministry responsible for internal affairs.
was first proposed by civil society organisations during consultations in 2009. A second draft was approved by Congress in 2011, and it was implemented during President Dilma Rousseff’s first mandate.

<table>
<thead>
<tr>
<th>Governmental office</th>
<th>Special Secretariat of the Presidency for Human Rights</th>
<th>Ministry of Justice (temporary body)</th>
<th>Ministry of Justice and Brazilian National Archives</th>
<th>Office of the Chief of Staff (temporary body)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Body (English/Portuguese)</strong></td>
<td>Special Commission on Political Deaths and Disappearances / Comissão Especial sobre Mortos e Desaparecidos Políticos (&quot;CEMDP&quot;)</td>
<td>Amnesty Commission / Comissão de Anistia</td>
<td>Reference Centre of Political Struggles in Brazil (1964-1985)—Revealed Memories / Centro de Referência das Lutas Políticas no Brasil (1964-1985)—Memórias Reveladas</td>
<td>Brazilian National Truth Commission / Comissão Nacional da Verdade (&quot;CNV&quot;)</td>
</tr>
<tr>
<td><strong>President in Office</strong></td>
<td>Fernando Henrique Cardoso</td>
<td>Fernando Henrique Cardoso</td>
<td>Lula da Silva</td>
<td>Dilma Rousseff</td>
</tr>
<tr>
<td><strong>Objectives</strong></td>
<td>Acknowledge state responsibility for the deaths of political opponents between 1961-1988, abiding by the principle of national reconciliation and pacification</td>
<td>Provide moral and financial reparation for victims of acts of exception, arbitration and human rights violations perpetrated between 1946 and 1988</td>
<td>Preserve and disseminate information contained in historical records of the military regime period</td>
<td>Ascertain the truth about gross human rights violations occurred between 1946 and 1988, fulfilling the right to memory and historical truth, and promote national reconciliation</td>
</tr>
<tr>
<td><strong>Salient measures</strong></td>
<td>Location and identification of human remains; compensation</td>
<td>Financial and moral compensation; issuing institutional apologies</td>
<td>Obtain, organise, preserve and disseminate documents</td>
<td>Clarify facts, locate bodies and produce a report</td>
</tr>
<tr>
<td><strong>Start date</strong></td>
<td>4 December 1995</td>
<td>28 August 2001</td>
<td>13 May 2009</td>
<td>16 May 2012</td>
</tr>
<tr>
<td><strong>Conclusion</strong></td>
<td>Ongoing</td>
<td>Ongoing</td>
<td>Ongoing</td>
<td>16 December 2014</td>
</tr>
</tbody>
</table>

*Table 1: Initiatives concerning the legacies of dictatorship by the executive branch of the Brazilian federal government*

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74 Denotes the president in exercise when the action was established.
Figure 1: Timeline of the Brazilian case
3.2 Special Secretariat for Human Rights of the Presidency

3.2.1 CEMDP

The first Brazilian president to have opposed the military regime was former political exile Fernando Henrique Cardoso. As President, his approach to the military was conciliatory. While taking into consideration the needs of victims, he always highlighted the boundaries set by the Amnesty Law. Years after his time in office, he summarised his stance as follows: “we shouldn’t forget, but we shouldn’t be stirring things up, either” (quoted in Mezarobba 2007, 59).

During his two terms in office (1995-2003), the Ministry of Defence was created and handed to a civilian, and two reparation commissions were established—the “Special Commission on Political Deaths and Disappearances” (CEMDP, Comissão Especial sobre Mortos e Desaparecidos Políticos) and Amnesty Commission. Cardoso’s administration is also thought to have changed the government’s position in relation to international cooperation, as it “moved from an obstructionist to a more cooperative relationship with the Inter-American Human Rights System” (Engstrom 2014, 3). An important development to the formation of a more critical institutional memory of the dictatorship was that former dissidents and human rights activists who had been part of the opposition to the regime in the 1960s and 1970s joined the government in decision-making positions, including José Gregori, Paulo Sérgio Pinheiro and Celso Lafer (Vannuchi 2013, 342).

The first political strategy devised by the executive branch of the federal government to deal with the dictatorial past addressed extrajudicial killings and enforced disappearances of civilians by agents of the state. The ‘Law of the Disappeared’ (Brazil 2009), was an answer to demands from civil society, especially victims groups and human rights organisations. The law included an enclosure with a list of 136 individuals.

75 In 1999 the Armed Forces Ministries (Air Force, Army and Navy) were consolidated into the Ministry of Defence. Historically, Armed Forces officials represented each of the Forces, but the Ministry of Defence was always led by a civilian—until June 2018, when President Michel Temer broke with this tradition and nominated Col. Joaquim Silva e Luna for the post. For the law that created the Ministry of Defence, see Brazil, Complementary Law n. 97/1999. Available at: http://www.planalto.gov.br/ccivil_03/leis/lcp/Lcp97.htm.
unlawfully killed during the regime by the military. They were acknowledged as fatal victims of the Brazilian state (Schneider 2014a, 4; Bohoslavsky and Torelly 2014, 152; Mezarobba 2007, 67, 2010, 13). The law established a permanent body tasked with providing compensation to relatives of fatal victims killed by state officials during the authoritarian regime.

Armed Forces representatives were forewarned (by President Cardoso and Justice Minister Nelson Jobim) about the law. According to Cardoso, “there was not much resistance from the Armed Forces” (Mezarobba 2007, 78)—however, Belisário dos Santos Jr. acted as a mediator between representatives of the government, victims’ representatives and the Armed Forces at the time, and recalls “difficult meetings” (Brazil, CEMDP 2007, 34). According to commentators, there was staunch military opposition, mainly from the Military Clubs. The Armed Forces were ensured that the legal framework set by the amnesty would still stand; the law was approved in 1995, after “intense fighting for almost five years in Congress” (Rotta 2008, 193; see also Cano and Ferreira 2006, 122).

CEMDP was installed in the Ministry of Justice and then moved to the Special Secretariat for Human Rights of the Presidency in 2004. It has three objectives: “i) to recognise the victims of the dictatorship who had been killed or were made to disappear; ii) to provide compensation to relatives; iii) to locate and identify the remains of the political disappeared” (Carvalho et al 2016). As historian Nina Schneider has claimed, the signing of CEMDP into law was a ‘timid’ official apology (2011, 10). Nonetheless, it represented an important first acknowledgement of wrongdoing by the Brazilian federal government. Up until that point, ten years after the return to democracy, the state had

76 The list of “disappeared persons” published with the law was taken from Dossier dictatorship: political dead and disappeared in Brazil (1964-1985) [Dossiê ditadura: mortos e desaparecidos políticos no Brasil (1964-1985)]. This document was produced for the Mixed Commission for Amnesty of the Brazilian Congress by the Commission of Relatives of the Political Dead and Disappeared and civil society organisations in 1979 based on 25 years of investigations (Rotta 2008, 194). On this commission, see Cabrera, C. A. G. (2012). ‘Do Luto À Luta: um estudo sobre a Comissão de Familiares de Mortos e Desaparecidos Políticos no Brasil’.. Anos 90, 19(35).

77 Retired officials are more active in the so-called ‘memory wars.’ They are members of Military Clubs (Clubes Militares), traditional institutions that propagate (mostly) right-wing views. The Military Clubs include high-ranking former military who were active during the regime, who “can express their views without the constrains of officers who are still active” (Cano and Ferreira 2006, 122). It would be wrong to consider all Club members perpetrators, although it is highly likely that most are regime supporters. Castro and D’Araújo have warned against “taking manifestations of the Military Club as representative of what ‘the military’ think” (Castro and D’Araújo 1999, 45), as the Clubs have not remained relevant among young officials.

78 See the second column of Table 1 and Figure 1 (above).
not yet confronted its responsibilities in relation to the unlawful killings of civilians who
died while in the custody of the regime’s authorities.

The events leading to deaths of civilians are often shrouded in secrecy. During the
regime, government agents violated dissidents’ human rights such as freedom of
movement; liberty and security of person; freedom from torture or cruel, inhuman, or
degrading treatment; or even the right to life. Authorities held prisoners incommunicado
and denied holding them. This means no one was informed of their whereabouts; if they
were killed in prison, there were two possibilities: either their bodies were returned to
their families with false allegations of suicide or escape attempts as explanation for their
deaths, or their remains were disposed of, in which case fatal victims were
euphemistically said to have “disappeared.”

In cases of enforced disappearances, no death certificate was produced. For all legal
purposes, the deceased individuals were still alive. This was a difficult situation for their
families. As the years went by, besides having to cope psychologically with the fact that
their loved ones had been killed by the state, they also had to deal with the practical
implications of their absence. Certain day-to-day activities were obstructed by the
absence of proof of death, i.e. unblocking bank accounts or claiming life insurance.

When filing a request for compensation, representatives of fatal victims of the
regime (often referred to as ‘the political dead and disappeared’) had to present evidence
to build a case against the state. This means that they had to undertake archival research,
conduct forensic analysis, identify and locate documents and witnesses in order to try to
establish what had happened (Teles 2001; Mezarroba 2007, 73). They had to prove that
the state was responsible for the death of their loved ones. It is a recurring criticism of
CEMDP that the burden of proof lay with the relatives, who had no access to official
archives. Once an application was submitted, members of the CEMDP board assessed each
application.

Other aspects of the law deemed inadequate by victims’ representatives were the
fact that not all victims were included in the terms of the law, and victims’ relatives had
a brief period, of only 120 days, in which to file compensation claims (Cano and Ferreira
2006, 197; Brazil 2009a, Art. 8).\(^\text{79}\) Despite its failings, over the years 362 cases were

\(^{79}\) Initially CEMDP only accepted claims based on deaths occurred until 1979. This aspect of the law was amended
in 2004 to include crimes perpetrated until 1988 (CEMDP 2007, 179).
adjudicated on by CEMDP. Each confirmed death results in a single payment of R$ 100,000 to the immediate family (around €22,600). The total amount spent in compensations by CEMDP is unclear. In 2011 it was reported that nearly US$ 25 million (around €22 million) had been paid in compensation to victims (Abrão and Torelly 2011b, 459; Mezarobba 2010, 14). However, one year later D’Araújo reported a smaller amount, of around R$ 40 million (nearly €9 million) (2012, 578).

It is significant that the Law of the Disappeared designates that its decision-making protocol should include representatives of different sets of stakeholders: the Human Rights Commission in Congress; relatives of victims listed in the legal text; the Public Prosecutor’s Office; and the Armed Forces (Brazil 2009a, Art. 5). The CEMDP has been characterised by this plurality and its attempts to forge a dialogue among representatives of different historical cultures, areas of the state and groups of stakeholders.

The first representative of the Armed Forces to participate in the CEMDP, Gen. Oswaldo Pereira Gomes, was contested by victims’ groups because of his association with the repressive apparatus of the regime. The official saw the commission as a combative sphere, in which his role was to act as “a lawyer appointed by the Armed Forces” (Brazil, CEMDP 2007, 38). Col. João Batista Fagundes (second official to hold the post) was hailed “a man with a deep respect for human rights” (Ibid, 40). He saw his participation in the commission as an “exercise in contradiction,” which showed that “the commission does not aim at hypertrophying mistakes and violence committed by police or military forces, but to get to the truth that may bring about the moral and financial reparation to victims of the violence” (Ibid, 39). He continues the reflection on his role in the CEMDP:

someone said that from debate comes enlightenment. We have heated discussions. Clearly, as a member of the Armed Forces, I don’t think like some of the other commissioners. But they have the right to think the way they do, because we live in a democracy, under the rule of law (Ibid, 39).

So, with CEMDP, the executive power of the Brazilian federal government changed its discourse from ‘calls to forgetting’ to promote truth-finding, posing, for example, that the commission began to “disassemble the official lies of the repressive agencies” as explained Augustino Veit, former president of CEMDP (Ibid, 41).

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80 The conversion rate applied in all calculations is from 20 April 2019 (1 Brazilian Real = 0.226 Euro).
3.2.2 Direito à Memória e à Verdade

President Lula da Silva (2003-2011) was imprisoned by the regime for his role in a union strike in 1979. He was not alone—da Silva once remarked that in the early days, “so many people had been involved in the armed guerrilla that PT adverts sounded more like police records” (da Silva 2010a). When he reached the presidency, former regime dissidents made up half of his cabinet—including some who had participated in the armed struggle, such as Chief of Staff (later President) Dilma Rousseff, Press Secretary Franklin Martins and Human Rights Secretary General Paulo Vannuchi (Schneider 2011b, 10).

Human rights activists had high hopes for da Silva’s administration (Santos 2010, 144). However, if compared to other areas of social justice, the initiatives concerning the legacies of dictatorship have not lived up to expectation. Given the degree of continuity between the military regime and the democratic governments that followed, it was not enough to just carry on with projects implemented during Cardoso’s administration. As peace scholar Fiona Macaulay has pointed out, Cardoso and da Silva’s terms in office can be viewed as periods of “inertia” as not much was done to tackle “the institutional ‘authoritarian debris’” (2010, 143) that endured after the transition to democracy. She is not alone in this criticism, many academics consider that ‘leftovers’ of the authoritarian political culture still remain, including aspects of the political, economic and social sphere in Brazil. Paulo Sérgio Pinheiro has written about the “‘socially implanted authoritarianism’: a combination of elements present in Brazilian political culture, values, and ideology, in part engendered by the military dictatorship, expressed in daily life” (2009, 206).

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81 The Workers’ Party (PT, Partido dos Trabalhadores) formed in 1980, after the armed struggle had ended. It was registered in 1982 and disputed its first election that same year.
82 Da Silva’s administration is widely thought to have delivered progressive policies. Social programmes were implemented to benefit the poorest in society, lifting millions above the poverty line. Initiatives include Bolsa Família, which guaranteed the poorest families access to food, healthcare and education; PROUNI (“University for All Programme”) which offered low-income families Higher Education grants; and Minha Casa, Minha Vida (“My House, My Life”), a programme that delivered more than 2.5 million houses to low-income families.
83 See also Brito, A. B. ‘Truth, Justice, Memory, and Democratization in the Southern Cone.’ In Brito et al (Eds.) The Politics of Memory and Democratization (Oxford UP, 2001); and Teles, E. and Safatle, V. (Eds.). O que Resta da Ditadura (Boitempo, 2010).
CEMDP findings are a case in point regarding the inertia of the democratic Brazilian government in relation to wrongdoing occurred during the authoritarian regime. First, this limited law only acknowledged that the deceased were indeed no longer living. Then it was a long time until it was accepted by military sectors. Then it was a long time until the evidence it amassed was made public. Writing in 2005, political scientist Anthony Pereira wondered whether the delay to publish a report was due to fear among officials “to publicise this modest and belated response to past human rights abuses” (2005, 163).

In 2007, when Paulo Vannuchi became Special Secretary for Human Rights, the report Direito à Memória e à Verdade – Comissão Especial de Mortos e Desaparecidos (“Right to Truth and Memory – Special Commission on Political Deaths and Disappearances”) was published by CEMDP and the Special Secretariat for Human Rights of the Presidency (after eleven years in the making). As mentioned previously, Vannuchi had been part of the armed opposition during the regime. He had also worked on the unofficial report Torture in Brazil. He played a pivotal role in the drafting of the CEMDP report.

Right to Truth and Memory has been described by Paulo Abrão as an “essential reading (...) that officially consolidates the acknowledgement of state crimes” (2010, 93). Indeed, the report is an important publication, as it is the first document produced by the Brazilian federal government that acknowledges that crimes were committed during the regime and that citizens were killed while in the custody of the state. Its contents have provided evidence to other initiatives dealing with political deaths and disappearances during the regime, especially CNV.

The report does not overlook the fact that an ideological conflict took place during the dictatorship and that leftist groups committed crimes and took up arms against the regime. It provides a list of leftist organisations with information on its political affiliation, development and actions, which, the report states, involved “bank robberies, the kidnapping of foreign diplomats to rescue political prisoners, strikes against barracks and other attacks (...) which produced a number of victims among agents of the security forces of the state” (Brazil, CEMDP 2007, 24).4 It discusses the National Security Doctrine,

4 The murder of leftist militants by the guerrilla ("justiçamentos"), bomb attacks and homicides are mentioned in Gorender, J. Combate nas Trevas (Àtica, 1999); see also Wainberg, J. A. 'O embate pelo controle da memória traumática brasileira'. Intexto, no. 23 (2010): 38–57. According to researcher Lucas Figueiredo who investigated pro-military publications, the number officials killed by armed left groups is estimated at 120 (quoted in Oliveira 2011, 12). This number has not been verified by any of the federal government’s initiatives.
offering an insight into the military rationale; explaining, for example, that the Military Justice system employed “different conceptualisations of war—adverse psychological war, internal war, subversive war” (Ibid, 22) when persecuting political prisoners.

The CEMDP report records a call by victims’ groups for truth for “the entire Brazilian society, not exclusively victims” (Ibid, 37). This aspect was emphasised by President da Silva on the occasion of the report’s publication:

we have the political will to continue doing what needs to be done (...) so that the history of Brazil can be told as only one truth (...). It seems that one side of the coin is a bit scratched and we must allow Brazilian society to see that side. (...) You will be our partners, giving support, and this call goes out to the military, relatives of the disappeared, and lawyers. We need to understand Brazil, for once and for all, especially its history, we need truth as it is, and I think we will be able to reach it and show it to the people (da Silva 2007).

That same day, though, Vannuchi remarked: “we now have an official publication with the stamp of the federal government, which incorporates the version of the victims” (quoted in Mezarobba 2010, 19). This declaration may not come as a surprise, considering that the evidence CEMDP presented had been collected by relatives of victims—as mentioned previously, the burden of proof laid on claimants. This situation in which the state was not active in fact-finding prompted Cavallaro and Delgado to classify CEMDP as “compensation without investigation” (2012, 6).

In its many years of existence, CEMDP was never fully funded so as to retain for a considerable stretch of time the structure and workforce needed to carry out its mandate in full (Gonzaga 2019). The commission oversees investigations to locate the remains of those killed in the Araguaia region (an action demanded from Brazil by the IACHR). It also leads investigations into remains exhumed from the unmarked mass grave located at the Perus cemetery. In 2019, these actions were interrupted due to cuts affecting CEMDP’s budget in the first few months of Bolsonaro’s presidency.
### 3.3 Ministry of Justice

#### 3.3.1 Amnesty Commission

Amnesty Commission (*Comissão de Anistia*) was the second initiative set up by the executive branch of the Brazilian government to deal with injustices occurred during the military dictatorship. The right to compensation to citizens affected by political persecution was enshrined in the 1988 Constitution, however, the Amnesty Commission was not created until years later. Provisional measure n. 2.151-3 was signed by President Cardoso in August 2001, renewed a year later and finally approved by Congress and promulgated as Law n. 10.559/2002. Its central task is to examine and adjudicate on the merits of compensation in claims made by citizens who suffered political persecution, a process referred to as ‘applications for amnesty.’ However, the Amnesty Commission’s activities expanded considerably after 2007, when Tarso Genro joined da Silva’s cabinet as Justice Minister and appointed legal scholar Paulo Abrão president of the commission.

Amnesties are normally granted to perpetrators of crimes, not their victims. The name of the commission denotes a peculiar use of the term ‘amnesty;’ Article 8 of the Transitory Constitutional Provisions of the 1988 Constitution is the reason the commission designed to provide reparations to victims was named “Amnesty Commission.” The Amnesty Commission defines its use of the term as follows: “amnesty in Brazil means, contrary to the usual understanding, memory” (Brazil, Amnesty Commission 2012a, 13). Historian Maria Paula Araújo further explains the specificity of the Brazilian case, where “an amnesty request means to request moral and financial reparation” (2015, 73).

The Amnesty Commission’s initial remit introduced compensation based on employment law, directed at citizens who were dismissed or had their employment situation negatively affected by the regime. In a clear formulation, philosopher Tessa

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85 See the third column of Table 1 and Figure 1 (above).
86 The piece of legislation states that “Amnesty is granted to those who (…) have been affected, as a result of purely political motivation, by acts of exception (…) ensuring the promotions, in inactivity, to the position, job, position or graduation to which they would be entitled if they were in active service” (Brazil 1988a).
Lacerda explains: “a person affected by the dictatorship is not owed compensation for having been tortured but for having been unwillingly kept away from work” (2016, 186).

As discussed previously, the regime relied heavily on intelligentsia and during the dictatorship, thousands were blacklisted, classified by the regime as “subversive” (Abrão and Torelly 2011b, 446) and suffered disciplinary actions at their workplace as a consequence of that. They may, for example, have missed out on career opportunities, been dismissed, forced into early retirement or barred from concluding their studies. Mezarobba offers a more thorough list of the rights the commission addresses:

[it offers] a declaration of recipients' political amnesty status; financial reparations; assurance (...) that the period they were forced to stop their professional activities (...) will count as valid; the right to conclude courses interrupted due to punishment or the validation of diplomas obtained by those who completed courses abroad; and the right for civil servants and public employees punished [by the regime] to be reinstated (2010, 15).

More than fifteen years since this process began, the Amnesty Commission is still working to assess requests for amnesty filed by citizens who consider themselves entitled to reparations. Designed to be a temporary body, it is expected to conclude its activities once all applications for amnesty have been assessed—its conclusion date is yet to be established. As of July 2017, a total of 76,540 claims had been made; 83% had been considered (Brazil, Amnesty Commission, SIC-Anistia 2017).

As is the case in CEMDP, the law that established the Amnesty Commission also ensures the participation of representatives of both the Armed Forces and ‘amnestied citizens’ in its decision-making processes. Law 10.559 states:

Amnesty Commission members shall be appointed by an order of the Minister of Justice and shall include, among others, a representative of the Ministry of Defence appointed by the respective Minister of State [Office of the Chief of Staff] and a representative of the amnestied (Brazil 2002a).

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87 It is worth noting that in many cases information recorded about citizens was incorrect, that is, in many cases individuals who were not members of leftist organisations were blacklisted by the regime.

88 See also Bohoslavsky and Torelly 2014.

89 The media reported on applications for amnesty in 2014. At that point, there had been 11,836 claims by ousted military officials and 8,694 requests filed by trade unionists. The total number of applications mentioned in the text as of 2017 was obtained through a Freedom of Information Act request to the Amnesty Commission (Ref.: SIC 08850002768201775). See Brazil, Amnesty Commission, SIC-Anistia 2017; Éboli 2014.
However, unlike CEMDP that gives voice to the military officials that have taken part in the commission (for example in the 2007 report Right to Truth and Memory), the presence of Armed Forces representatives in the Amnesty Commission is an under-discussed aspect of its processes, not mentioned in the countless publications it produced.

The Amnesty Commission was analysed by Mezarobba in her PhD dissertation *O preço do esquecimento*. She explains that compensations are funded by the taxpayer, with the money coming out of the National Treasury: “the Ministry of Planning, Budget and Management is responsible for expenses related to the amnesties of civilians, and the Ministry of Defence for the amnesties granted to the military” (Mezarobba 2007, 134). The financial burden is split roughly 50/50 between both institutions.

Until February 2017, the expense of the Ministry of Defence with financial reparations to military political amnestied was of around R$ 5,726 billion (nearly €1,3 billion). A similar amount (R$ 5,743 billion) was spent by the Ministry of Planning, Budget and Management until December 2016. The office is responsible for the reparations to civilians who requested amnesty. Putting together the two figures, the total spent by the Brazilian government until the end of 2016 with Amnesty Commission reparations was approximately R$ 11,4 billion (approximately €2.6 billion) (Brazil, Amnesty Commission, SIC-Anistia 2017).

Not all amnestied individuals receive financial reparation; in some cases, compensation is moral, in the form of a state apology. Still, the sum of payments made to a large number of recipients who are entitled to reparation makes Brazil’s a serious contender for the title of largest reparation programme of its kind (Abrão and Torelly 2011b, 444). The amnestied have the option of either receiving a lump sum or a permanent monthly payment, which continues until the end of their lives (Mezarobba 2010, 15). In a few cases, especially at the start of the Amnesty Commission, large sums were handed out as a single payment, with a maximum recorded payment of almost R$ 3 million (around €680,000).

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90 An estimated 6,500 officials were ousted from the Armed Forces during the regime, because of their opposition to it. For analysis of the ousted military see Schneider, N. (2013). ‘The Forgotten Voices of the Militares Cassados’ *J. of Brazilian Studies*; 2/2; and Vasconcelos, C. B. *Repressão a militares na ditadura pós-1964* (Arquivo Nacional, 2018).

91 Several illegal acts of the regime of exception were against military officials, such as the outing of thousands of officials who were not aligned with the regime.
Many Brazilians disapprove of the payments, and there was public outrage over large compensations. In 2008, for example, Ziraldo, a successful author in Brazil, received a large sum of money. Already quite wealthy, he was criticised for making an application for amnesty. His case amounted to R$ 1 million (around €225,000) in a single payment and monthly instalments. The episode reinforced the opposition view of the reparation programme as “Bolsa-Ditadura,” a pay-out for individuals with a certain life trajectory (i.e. of leftist political inclination, who were persecuted by the military).\footnote{Bolsa Ditadura or “Dictatorship Grant” is a play with words that combines the “Bolsa Família” (a social welfare programme criticised by opponents of the PT government) and the reparation programme. It suggests that the payments are unfair or that recipients may not deserve them. An example often raised is Lula da Silva, who receives a monthly payment of about R$ 6,000 from his compensation as amnestied. Critics point out that, having spent only 31 days in prison during the regime, “Lula’s Bolsa Ditadura has earned him forty-one thousand reais for each day spent in jail” (Gaspari 2017). See also O Estado de São Paulo 2010.}

The logic applied in the calculations of compensation is entirely based on the work situation of claimants in the past; financial and employment losses applicants have incurred because of illegal actions carried out by the regime are also computed. The calculation is based on a forward-retroactive projection with payments based on professional milestones individuals would have reached under normal circumstances. This includes both the salary received in the post held and the benefits they would have amassed had they not been affected by the regime’s state of exception legislation. This is how the Amnesty Commission’s website explains the calculation: “for (...) the monthly benefit, the promotions of the position, job, post or graduation to which they would be entitled if still in service are given in cases of [forced] inactivity, retirement or becoming a reservist” (Justica.gov.br n.d.a).

Payments can be high if compared to the national minimum wage (R$ 954 in 2018). The average monthly payments to amnesty recipients is of R$ 4,000 a month (a little over €900), over three times the Brazilian household income of R$ 1,268 per capita (IBGE 2017b). Under certain circumstances, recipients may be entitled to five or six times that amount, per month, until the claimant’s death. This indicates that a significant amount of public money will continue to be spent on reparations in the near future. As stated above, during the first 15 years of reparation payments (2002-2016), the Armed Forces and the Ministry of Planning, Budget and Management have each spent around R$ 5,7 billion (approximately €2.6 billion) (Brazil, Amnesty Commission, SIC-Anistia 2017).\footnote{For comparison purposes: the Chilean government had discussed a proposal (later withdrawn due to lack of...}

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92 Bolsa Ditadura or “Dictatorship Grant” is a play with words that combines the “Bolsa Família” (a social welfare programme criticised by opponents of the PT government) and the reparation programme. It suggests that the payments are unfair or that recipients may not deserve them. An example often raised is Lula da Silva, who receives a monthly payment of about R$ 6,000 from his compensation as amnestied. Critics point out that, having spent only 31 days in prison during the regime, “Lula’s Bolsa Ditadura has earned him forty-one thousand reais for each day spent in jail” (Gaspari 2017). See also O Estado de São Paulo 2010.

93 For comparison purposes: the Chilean government had discussed a proposal (later withdrawn due to lack of
Some commentators have reservations about the fact that financial compensation relies on labour laws and the professional status of victims. The bias against the unemployed and those not in formal employment is clear. Mezarobba emphasises that “the main judicial investment has been made in the administrative arena (...) and geared primarily towards financial compensation” (2010, 16). Nina Schneider raises the point that the private sphere is considered more important than the public sphere in what concerns reparations. By equating compensation and individual circumstances, Amnesty Commission’s mandate “is primarily to serve individual citizens rather than to clarify the systemic nature of state repression” (Schneider 2013b, 152). Paulo Abrão, the Amnesty Commission president between 2007 and 2015, often criticised the law: “the law is bad” because “legislators did not take into account the suffering of relatives or the degree of the persecution.” In his view, “the most important thing is the acknowledgement [of wrongdoing by the state] and official apology” (quoted in Rosito and Damo 2014).

Abrão was responsible for nothing short of a “hermeneutic turn” in the Amnesty Commission (Abrão and Torelly 2010, 34). Actions designed for the period of 2007-2010 were based on discussions and scholarship in the field of transitional justice. This was stated in the commission’s 2007 annual report: “beyond the reparations debate (...) the Ministry of Justice is exercising the role of implementing the values of Transitional Justice” (Brazil, Justice Ministry 2007, 5). From then on, the commission’s objectives expanded; two new sub-projects were created (Amnesty Caravans and Amnesty Memorial) and transitional justice terminology started to be employed in the commission’s publications. New themes came to the fore. A denunciation of the past
became characteristic of the Amnesty Commission’s discourse; after a debate was held in the Ministry of Justice questioning the interpretation of the Amnesty Law the commission as an institution recognised the imprescriptibly of crimes against humanity, deeming the 1979 amnesty illegitimate in such cases (Gombata 2014). According to legal scholars Soares and Quinalha, the “cult of the memory of those who resisted the dictatorship” also became a more defined focus of the Amnesty Commission (2011, 261).

While continuing to pay financial compensation to victims, under Abrão the Amnesty Commission started to dedicate resources for collective reparation, especially symbolic and moral reparations. The collective dimension of the Amnesty Commission gained more prominence through the financial support given to third parties to produce cultural artefacts (such as books and documentaries) and educational actions (Abrão and Tavares 2015, 12) as part of an effort to educate Brazilian society: “to rescue the historical memory and propagate truth from the discussion of themes related to the political amnesty and transitional justice (Brazil, Justice Ministry 2010, 10). In Abrão’s view, this new focus meant the “de-bureaucratisation of the action and the obligation of the state to provide reparations;” the result being “a true political and historical process” (quoted in Tolentino 2016, 104). The Amnesty Commission’s broadened objectives involve

the recognition of acts committed during the state of exception that occurred between 1946 and 1988, in the broad sense of the word (i.e., tortures, imprisonment, clandestinity, exile, banishment, arbitrary dismissals, expulsion from school, forfeiture of remunerations, administrative sanctions, indictments in administrative or judicial processes), and to declare the condition of political amnesty for those people covered by these acts and to thus provide them with moral and financial reparation (Abrão and Torelly 2011b, 451).

Abrão is a legal scholar and he published extensively on the Brazilian case during the period he acted as president of the Amnesty Commission (2007-2016), often in collaboration with legal scholar Marcelo Torelly.97 In their view, the Amnesty

96 The Amnesty Commission’s initial remit is prominently an effort to improve the victim-state relations, with the payment of financial compensation for unfair treatment in the past as its central action. Examples of other individual reparations include official acknowledgement and apologies.

97 Marcelo Torelly was the Amnesty Commission’s Coordinator of Historical Memory between 2008-2013. Their publications offer an insight into their vision of a Brazilian model of transitional justice (Santos 2015, 45), they also organised academic events in Brazil and abroad exposing the Brazilian case to the most important scholars working in the field of transitional justice: “Repressão e Memória Política no Contexto Ibero-Brasileiro” (2010); “Transitional Justice” (Germany, 2012) published as “Justiça de Transição: Análises Comparadas Brasil-Alemanha” (2015); and the International Conference “Memória – Alicerce da Justiça de Transição e dos Direitos Humanos” (Brazil
Commission’s expansion not only widened the scope of reparations but magnified the “low amplitude of demands [from Brazilian society] for transitional justice” (Abrão and Torelly 2010, 31).

The commission’s sub-projects explore the many ways in which individual and collective reparation can be reached, especially through symbolic and moral compensation. According to the proponents, the Amnesty Commission is a space for memories to be retrieved and promoted: “created by the regime as a law of amnesia, in time the Amnesty Law has been transformed to become the Amnesty Commission; 30 years later, a publicist of memory” (Abrão and Torelly 2011a, 30). In their view, existing narratives about the past resurface in these projects.

The Amnesty Commission’s sub-projects will now be considered in more detail.

_Amnesty Caravans_

Since 2007, more than 90 Amnesty Caravans (Caravanas da Anistia) were organised in many different parts of the country. The project consisted of moving the process of adjudication of amnesty to locations where human rights violations were perpetrated in the past (Coelho and Rotta 2012; justica.gov.br n.d.a). Vannuchi explains what the sessions entailed:

> the commission travels around Brazil in caravans that rescue historical truth, officially apologise for the violence practised by the Brazilian state, pay homage to those who fought for freedom and mobilise young people, who are [in such occasions] informed for the first time about a history that was subtracted from their basic education (2013, 342).

On each location, in tandem with the main event, Amnesty Caravans often organised cultural and educational activities—talks, debates, movie sessions and art exhibitions (Araújo 2015, 72-73). The local community was invited to participate and engage with the Amnesty Caravans, to hear testimonies and learn about the experience of the dictatorship.

2014). Another development that came to fruition because of their diligence was “Revista Anistia Política e Justiça de Transição,” an academic journal that published original articles, translations and documents of relevance to transitional justice scholars working in Brazil.
of amnesty claimants, who often attended the proceedings with family members. By 2010 an estimated 15,000 citizens took part in such activities (Brazil, Justice Ministry 2010, 58).

According to one commentator, a solemn apology was issued to the political persecuted individuals or their representatives by the Amnesty Commission representative who chaired the session, “apologising on behalf of the Brazilian State for all the persecution, financial losses and suffering it caused” (da Silva Filho 2008). As the website of the commission explained, stories shared during the sessions focus on a particular strand of memory, “the history of individuals who were persecuted and tortured by the dictatorial repression (...) giving visibility to the political struggle and the role of organisations, institutions, political parties and clandestine organisations in favour of democracy and political amnesty” (justica.gov.br n.d.b). As further discussed below, this strand of memory and particular selection of stories is disseminated across the sub-projects of the Amnesty Commission.

Testimonial Clinics

In 2012 Testimonial Clinics (Clínicas do Testemunho) started to offer psychological treatment in different parts of the country to victims and relatives of victims of human rights violations perpetrated by state agents between 1946 and 1988. The project funds third-party organisations (usually NGOs or health clinics) offering “psychological reparation to victims of state violence” (Blum 2015, 15). The project is described by Amnesty Commission as a step towards the complete reparation of victims; “filling in the gap that still exists after financial and moral reparations” (justica.gov.br n.d.c). In addition to assisting victims and relatives of victims of the military dictatorship with their mental health, the project promotes the training of health professionals to treat patients and research the psychological and social consequences of state violence.

Amnesty Commission’s website describes the clinics as

the first effort of the Brazilian state to repair and reintegrate into our history—both the individual narratives of victims and the collective memory of society—the psychological traces left by the grave violations of human rights perpetrated by the repressive agents of the civil-military dictatorship (1964-1985) (justica.gov.br n.d.d).
As will be further discussed below, some of the recommendations put forward by CNV reinforces pre-existing projects. One example is the recommendation that calls for the state to offer medical treatment to victims of human rights violations. The proposal does not mention the Testimonial Clinics, although it calls for a project like it:

victims of serious human rights violations are subject to after-effects that require medical and psychosocial care through an articulated interdisciplinary network of health professionals trained for this specific purpose. The public administration must guarantee the efficacy of this service (Brazil, CNV 2014a, 970).

The IACHR’s sentencing in the Gomes Lund case included an expression of support for the Clinics, as it called for the Brazilian government to make additional reparations to families, including physical and psychological treatments as required: “the State must provide the victims with medical and psychological treatment. The State is to provide these services at no cost to the victims, through State public health institutions and providers who specialise in working with violence victims” (Gomes Lund et al. 2010, 1662).

**Amnesty Memorial**

Described as a “space of memory and conscience” (Brazil, Justice Ministry 2016a, 20), the Brazilian Political Amnesty Memorial (*Memorial da Anistia Política do Brasil*, henceforth “Amnesty Memorial”) has been under construction in Belo Horizonte since 2008. It is a project by the Amnesty Commission in partnership with the Federal University of Minas Gerais (UFMG), the City Council of Belo Horizonte and the Registry of the Federal Heritage, an office of the federal government (Pistori and da Silva Filho 2009, 114). The place of memory was designed according to contemporary museology studies (Ibid, 117); it will house a research centre and host temporary activities (see Fig. 2 below).

Its permanent fixtures have been described as “an interactive museum, with a room in memory of the torture [endured by] political prisoners, [and] a virtual parade with 100 personalities and icons of the period. In the [outdoor] garden, visitors will have access to a space of reflection, much like a forest of memories” (Kiefer 2012). 

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98 See Section 5.4.3 (below) for a discussion of CNV recommendations.
99 Edson Claudio Pistori was a member of the Amnesty Commission’s board since 2009. He later became Executive-Coodinator of Amnesty Memorial.
The Memorial’s main objective is to give access to the public to materials collected by the Amnesty Commission and other institutions (Centro de Estudos sobre Justiça de Transição da UFMG 2017, 226). The collection of the planned Amnesty Memorial will gather the evidence produced by claimants in their applications for amnesty. It has been described as follows:

the requests for amnesty (...) present the history of the Brazilian regimes of exception from the perspective of those political persecuted. In those documents their objectives, political goals, struggles as utopias are recorded, as well as the treatment conferred to them by the state (Abrão et al 2009, 19).

As discussed above, the application for amnesty is the process through which claimants need to prove that their employment history was affected because of the political persecution by the regime. The material contents of the collection include books, cassette tapes, medical items (prescriptions, medical records), photographs, passports, books and magazines from the period, as well as items created by claimants, such as written accounts detailing their personal stories (Éboli 2014).

The Memorial’s temporary exhibition areas are expected to display items from the most recent Brazilian dictatorial period and the process of ‘political amnesty,’ namely the political opposition to the regime, the violations of rights perpetrated by regime officials in its repression of the opposition to the regime and the process of amnesty carried out by Amnesty Commission (Araújo 2015, 72-73). The project is at an advanced stage;
however, the construction work has been suspended since 2016. It is currently pending investigations over alleged fraud and misappropriation of public funds.100

Marks of Memory

Marks of Memory (Marcas da Memória) was introduced in 2008 to transfer resources to memory initiatives developed by civil society. Its stated aim is to support initiatives that (i) organise public testimonial sessions “to promote the public hearing of the political persecuted talking about the past and its relation with the present” (Brazil, Justice Ministry 2016b, 26) (ii) carry out oral history projects (the materials they collect are expected to be preserved as part of the Amnesty Memorial collections); and (iii) publish materials on themes related to the dictatorship.

Public calls were published yearly from 2010. More than R$ 20 million (€4.5 million) were channelled to these civil society projects between 2010 and 2014 (Ibid, 26). Projects funded through Marks of Memory’s public calls for initiatives include: “documentaries, publications, art and photography exhibitions, lectures, musicals, film restoration, preservation of collections, places of memory, theatrical productions and educational material” (Ibid, 27). As a result of lack of funds, no new calls have been issued since 2013.

Marks of Memory’s focus on victimisation is affirmed in the Amnesty Commission’s 2014 yearly report, which states that “the main objective of the project Marks of Memory is to give visibility to the memory of victims who were silenced during the dictatorial regime” (Brazil, Justice Ministry 2016b, 26).101 In 2016 Abrão described the project with the following words:

[Marks of Memory] recovered the memory produced by civil society and propagated that memory produced by human rights organisations, political prisoners organisations and organisations of relatives of political dead and persecuted by the regime, with the objective that they also participate in the dispute for the narrative of the past from their own perspectives. We wanted to facilitate the circulation of these narratives so that they became public and were part of the construction of a synthesis around what the dictatorship was and was not, thus re-signifying that

100 According a statement by the Federal Police, an audit is being carried out on Amnesty Memorial’s budget. The project was initially estimated to cost 5 million Reais (roughly €1.13 million), later estimated to cost 30 million Reais (close to €6.8 million). See Justica.gov.br n.d.e.

101 The 2014 yearly report was the most recent report available at the time of writing (August 2019).
It is quite telling that Abrão describes Marks of Memory as a project that “invests in plural perspectives (…) avoiding that a single worldview is imposed as hegemonic over all the others” (2012, 9). The option of propagating and disseminating a particular stratum of memory does not seem to address the existence of conflicting views and fractured relationships in existence in the present. Plural perspectivism is lacking in initiatives concerning the legacies of dictatorship that do not acknowledge and give space to an array of mnemonic communities (besides direct victims of political violence), so their perspectives—how they relate to the past, how it has affected their present and informs their view of the future—can also be part of the process of negotiating shared meanings, of collectively deciding what “the dictatorship was and was not” as Abrão put it (2012).

While it is undeniable that Amnesty Commission has done important work in raising awareness about Brazil’s violent past—unearthing and gathering new evidence for crimes perpetrated during the regime, as well as reengaging victims and propagating narratives based on their testimonies to a broader audience—in implementing its many sub-projects, it has grown larger than lawmakers originally intended it to be.

### 3.4 Presidency and Office of the Chief of Staff

#### 3.4.1 Revealed Memories

In 2005 President Lula da Silva signed decree n. 5.584, which stated that all documents related to the dictatorship held by the Brazilian Intelligence Agency would be taken to the Brazilian National Archives (Araújo 2015, 72–73; Gallo 2016, 202)—which at that point was attached to the federal executive power. The initiative only came into force in 2009, when Chief of Staff Dilma Rousseff signed ministerial decree 204 (Brazil 2009b) implementing the third federal project to deal with the dictatorial period, the Reference Centre of Political Struggles in Brazil (1964-1985)—Revealed Memories (Centro de

Revealed Memories is an archival project devoted to collecting, preserving and promoting access to documents of the dictatorship period held in almost 100 institutions (universities, research centres, unions, art centres and civil society organisations). Over twenty academics sit on the project’s Commission of High Studies. The National Archives’ website informs that in Revealed Memories “was created with the aim of becoming an information point for records of the political struggles in Brazil during the 1960s to the 1980s” (National Archives, n.d.). Described as a “cooperation between the Union, its states and Federal District for the integration of archives and public and private institutions” (National Archives 2015, 23-4).

An ad campaign aired in 2009 requested that members of the public sent to the National Archives any documents and information they had about events occurred between 1 April 1964 and 15 March 1985. The public call listed the type of materials deemed of interest: “(1) related to any investigation (...) into Brazilian citizens and foreigner individuals allegedly involved in the political opposition; (2) related to the repression of the opposition to the regime (...); or (3) information related to the killing or the location of the remains of the political disappeared” (Brazil, Revealed Memories 2009).103

The focus of the project was reiterated in 2015 when the National Archives described the project as “a publicist of information from documentary records regarding the country’s political struggles during the military dictatorship” (2015, 23). In sum, Revealed Memories is dedicated to locating, organising and providing access to documents, as well as disseminating information about the political struggles, with a view to “promote debate and reflection about issues of interest for the reconstitution of the national memory of the military dictatorship period” (Idem).

The project is particularly relevant for citizens interested in learning about the dictatorial past and researchers investigating the period. The project’s website is

102 See the fourth column of Table 1 and Figure 1 (above).
103 Human Rights activist Cecília Coimbra felt quite strongly about this campaign, affirming that “it is a fanfare for society to see. The government does not open archives and then offers this (...). They are trying to take the responsibility from the state to place it on the population” (quoted in Zero Hora 2009).
accessible to the wider public. It offers short videos (produced especially for this purpose) and selected historical documents. The website is also of interest to researchers of the dictatorial period, as it provides an index to materials held by the National Archives, alongside a selection of audio-visual files available to download (Abrão and Torelly 2012, 163-64). In 2014, Rousseff claimed that the project’s database contained 430,941 items (2014, 391). Both academic researchers and investigators on behalf of victims have an interest in Revealed Memories because the project facilitates the location of documents from the dictatorial period. Digitalised materials made available through the initiative include documents from the “National Information Service” (Serviço Nacional de Informações), “National Defence Council” (Conselho de Segurança Nacional), and “General Commission of Investigations” (Comissão Geral de Investigações), as well as the archives of the Federal Police, the “Institutional Security Office” (Gabinete de Segurança Institucional) and other public offices (Soares and Fecher 2017, 80).

It is important to note that the materials collected in Revealed Memories are different from the materials collected by the Amnesty Commission. As mentioned previously, victims and relatives of those killed by the regime have had to conduct independent research and collect the evidence themselves to make a case against the regime. The materials they gathered are expected to be available for consultation in Amnesty Memorial once it opens to the public. According to Abrão et al, that space will hold “non-official history as told from the perspective of those who were silenced: the political persecuted” while Revealed Memories’ archives are “an official archive of the state” (Abrão et al 2009, 19).

3.4.2 PNDH-3

Although President da Silva’s administrations continued the Brazilian ‘path of compromise’—characterised by a conciliatory tone and lack of structural reforms—his time in office is thought to have advanced the national human rights agenda. On 21 December 2009, da Silva established the “Third National Human Rights Plan” (Programa Nacional de Direitos Humanos, henceforth “PNDH-3”) through presidential decree 7.037. It
contained many progressive measures to be carried out by the government, some of which were proposed by the organised civil society.\(^{104}\)

PNDH-3 clusters the initiatives concerning the legacies of dictatorship proposed by the executive branch of the Brazilian federal government under category VI, Right to Memory and Truth. CEMDP, the Amnesty Commission, and Revealed Memories are within the scope of this guiding principle, which offers the clearest formulation of the executive branch’s ambitions for the initiatives:

Brazil still has difficulties to process the rescue of the memory and truth about what happened to the victims of political repression during the 1964 regime. (...) Silence and forgetting of the barbarities produce severe gaps in the collective experience of construction of the national identity. (...) The work of reconstructing memory demands that the past is revisited and the experiences of pain, violence and death are shared. (...) The planned actions of this guiding principle are aimed at ensuring the democratic and republican processing of this period of Brazilian history, so that the desirable national reconciliation becomes a reality; and to build a broad consensus so that the systematic Human Rights violations that occurred between 1964 and 1985, as well as during the Estado Novo period, never again occur in our country (Brazil 2009a, emphasis added).

The general orientation towards a re-memorialisation of the past that offers a negative appraisal of the past by focusing exclusively on ‘pain, violence and death’ is something that will be further investigated in the next chapters. It is important to note that while the terms ‘reconciliation’ and ‘consensus’ are included in the above excerpt, measures that could be perceived as antagonistic by the military were sidelined, for example, a re-assessment of the Amnesty Law (in line with international legislation). Providing information about crimes committed by the political repression of the post-1964 regime had two target groups: victims’ relatives and society. According to the document, the latter was not able to “form its own ideas about that period” (Brazil 2009a) owing to the lack of official information.

One suggestion by relatives of victims of the regime included in the PNDH-3 became the source of much controversy: that a ‘National Commission of Truth and Justice’ was established to investigate the crimes perpetrated by state representatives during the regime. Top officials in the Armed Forces and the Defence Minister Nelson Jobim

\(^{104}\) Brazil’s first and second national human rights plans were implemented by President Cardoso, in 1996 and 2002 respectively. See S. Adorno (2010) for a discussion of the PNDH-3 and reactions to the programme, with direct reference to the “embryonic links between PT and the social movements.”
threatened to resign in protest to the inclusion of this item in the national plan (Schneider 2014a).

The existence of two lines of thought within government was laid bare in the discussions that unfolded. On the one side, Jobim argued that “the amnesty was valid for both public agents of the repression and the opposition (...) a truth commission (...) could cause conflict with the Armed Forces and reignite vindictiveness” (Soares 2016, 102). On the other, Special Secretary for Human Rights Vannuchi diverged from the view that the amnesty had been for the two sides. He defended that “state agents who committed crimes against humanity should be held accountable” on the basis that “some [referring to the military officials] acted illegally with the support of the state; others [regime opponents] have already gone to trial, served a jail sentence, disappeared and were killed” (Ibid, 102). The dispute was playing itself openly in the media, and President da Silva put an end to it, declaring that the law would be amended. A watered-down legal mandate for a truth commission emerged months later—reworded so as to exclude any condemnatory language. The term ‘justice’ was removed from the initiative’s name and the timeframe of investigations was widened to 1946-1988 (Schneider and de Almeida 2018, 640). It was approved by Congress and sanctioned by President Rousseff during her first year in office.105

3.4.3 CNV

President Dilma Rousseff (2011–2016) was a Marxist guerrilla who fought the regime in her twenties. She was imprisoned (1970–1973) and tortured (Carvalho 2005). This is an aspect of her past that proved quite divisive during her presidency, the divergence of opinion about her biography re-emerged at critical points of her political life. This occurred for example during the 2014 re-election campaign (won by less than 2% of the

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105 As Schneider has put it, “a Truth Commission is not an abstract institution in the present, but the result of dynamic historical power struggles” (2013b, 159). Frictions marked the debates leading up to the approval of the Brazilian truth commission. Less than two months after the publication of the mandate there was again strong controversy involving its content, and the Defence Minister Nelson Jobim declared that the commission would generate conflicts with the military. See D’Araújo 2012a, 592; and Bauer, C. 2015. ‘O debate legislativo sobre a criação da Comissão Nacional da Verdade e as múltiplas articulações e dimensões de temporalidade da ditadura civil-militar brasileira’ Anos 90, 22/42, 120.
votes), and the impeachment process initiated months into her second term in office.\textsuperscript{106} In mass protests held around the country, images of Rousseff as a young and defiant anti-military campaigner were on display in posters, T-shirts and internet memes produced by demonstrators for and against her.\textsuperscript{107} Critics conflated their assessment of Rousseff’s leftist militant past with frustrations related to alleged corruption that took place when Rousseff was an established figure in Brazilian politics. Her supporters used the same images to emphasise the qualities of a woman who overcame the trauma of torture to become president of Brazil (Bianchi and de Almeida 2017).

Rousseff’s biography motivated her to develop legislation to lead Brazil towards more openness about the dictatorial period. While Chief of Staff, she already acted to ensure that truth and memory implemented. No one doubted her sincerity when she declared being proud to sanction laws that ensured transparency and truth in relation to human rights violations (2011).

More than 30 years after the amnesty and almost two decades after Brazil’s political transition, Congress approved legislation establishing the Brazilian National Truth Commission (CNV).\textsuperscript{108} Law number 12.528 defines the legal mandate of Brazil’s first investigative commission: to ascertain facts about cases of torture, deaths, enforced disappearances and concealment of bodies occurred between the promulgation of the Constitutions of 1946 and 1988; to disclose the structures that enabled the human rights violations to occur; to collect information about the location and identification of remains of the ‘disappeared;’ to make recommendations with a view to prevent human rights violations in the future and to cooperate with efforts of providing assistance to victims (Brazil 2011b). The law does not mention state agents as perpetrators. In fact, as discussed above, accusatory terms contained in previous versions of the law were removed prior to the Congressional approval for the project (Schneider and de Almeida 2018, 640).

\textsuperscript{106} Amid unproven allegations of President Rousseff illegally profiteering from a money-grabbing scheme at the national oil extraction company, Petrobras, she was charged with tampering the public accounts—using accounting tricks that enabled the presentation of a more stable budget for the year of 2014, when a presidential election was held. Rousseff was found not guilty at the end of the process.

\textsuperscript{107} One image in particular is used more often, Rousseff’s mugshot from when she was arrested by the military in 1970. The image was also used in her re-election campaign in 2014.

\textsuperscript{108} See the fifth column of Table 1 and Figure 1 (above).
The mandate established a working group of seven commissioners, who would be attached to the Office of the Chief of Staff. President Dilma Rousseff appointed the following individuals as members of the Brazilian truth commission:

- José Paulo Cavalcanti Filho, a jurist who served as Secretary-General of the Ministry of Justice and (Interim) Justice Minister under President Sarney.
- Rosa Maria Cardoso da Cunha, the lawyer who defended Rousseff and many other opposition militants during the dictatorship (Cardoso quoted in Arruda 2013).
- José Carlos Dias, Justice Minister (1999-2000) under President Cardoso, he acted as a defence lawyer for political prisoners during the regime.
- Gilson Dipp, a Minister of Supreme Court of Justice. He had been on leave for health issues for seven months when he left the post in April 2013. He was not replaced.
- Cláudio Fonteles, Attorney General under President da Silva. He left the truth commission after disagreements over the perceived lack of transparency (Furtado 2016, 128), which generated mistrust among the victims’ groups and the wider third sector organisations (Schneider 2013b, 158). Pedro Dallari, a legal scholar, replaced Fonteles from September 2013.
- Maria Rita Kehl, a psychoanalyst (Weichert 2014, 45).
- Paulo Sérgio Pinheiro, a political scientist and diplomat advising government during the Cardoso presidency (Torelly 2018, 11).109

As demonstration that the truth commission was a democratic, cross-party initiative (and not merely a project of the party in power), on 16 May 2012, CNV was established by President Dilma Rousseff in a ceremony attended by the four living former presidents of the New Republic (Sarney, Mello, Cardoso and da Silva). In what might be interpreted as a display of support for the initiative, the ceremony was attended by Armed Forces Commanders Enzo Peri (Army), Juniti Saito (Air Force) and Julio Soares de

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109 CNV draws upon the profile of commissioners and staff to consolidate its symbolic capital. The presence of long-term human rights activists is an important element in the design of CNV. According to the state-owned media portal EBC, “The choice [of commissioners] was congratulated by the United Nations High Commissioner for Human Rights (Acnudh), through its regional representative for South America, Amerigo Incalcaterra” (Melito 2012).
Moura Neto (Navy). According to the media, though, they were the only members of the audience who did not applaud when CNV was announced.10

The commission’s wide timeframe of investigation of 1946-1988 (longer than the 1964-1985 of the military dictatorship) was not well received by observers. This was perceived as an attempt to ‘blur’ the regime’s timeline and deemed a disservice to future generations (Coimbra 2014, 97); an attempt to appease the increasingly critical Armed Forces (D’Araújo 2012a, 593), and a watering down to ensure the law would pass in Congress (Schneider 2013b, 153). In any case, in July 2012, the CNV published its internal regulations, and two resolutions were made. Circumventing the wide timeframe of the mandate, the CNV commissioners decided to focus on human rights violations perpetrated during the period of 1964-1985. They also decided to investigate exclusively crimes perpetrated by “public agents, individuals at their service, with support or on behalf of the state” (Brazil, CNV 2012a, Art. 1). These decisions led to cries of a vendetta by regime supporters.

Considering that this was the first time an official investigation was carried out in Brazil, truth commissioners had much work to do. It was not ideal that commissioners were employed on a part-time basis—this was a full-time job. No preparatory work was done in advance, so the first semester was devoted to “setting up the administrative structure, organising the research and contacting victims’ relatives” (Brazil, CNV 2014a, 49). The commissioners decided upon a rotating system for the CNV coordination. This also proved not ideal, as every six months a new commissioner took over the executive role and support staff changed, too.11 Because of procedural problems during the two years the commissioners were given to complete the report, the initial deadline was extended by seven months. Hundreds of testimonies were collected, dozens of public


11 With the arrival of Pedro Dallari, the coordination of the CNV became stable; he acted as coordinator of the truth commission between November 2013 and December 2014.
hearings were held in many different locations, both in Brazil and abroad, partial reports were published, and a substantive 3,383 page-long official report was drafted.\footnote{The report consists of three volumes; volume 1 is collectively signed by the six commissioners (976 pages); volume 2 collects findings of the work groups (414 pages); and volume 3 presents the biography and description of death of each fatal victim of political violence (1,993 pages). The page numbers differ (especially volume 3) from the paper version of the report (Weichert 2014, 44)—all references in this dissertation refer to the ebook version.}

There were three different areas of work: research, which was subdivided into sub-themes; public relations, which dealt with civil society and institutions (including the Armed Forces) and a media office. From the beginning, there was a sense that a process led from Brasilia would not be able to investigate every human rights violation perpetrated around the country within the proposed timeframe. Government representatives, human rights activists and victims’ groups organised more than 100 so-called ‘local truth commissions’ to document human rights violations that had occurred in their region, sector or institution and report their findings to CNV. Many local truth commissions worked simultaneously and in collaboration with CNV (Brazil, CNV 2014a, 10). For example, many published reports in time to submit their findings to the national commission.

The method of dividing the work became a problem at a later stage; when it was time to put together the final report. Commissioners could not reach a consensus on findings by some of the working groups, and their investigations were relegated to volume 2 of the report. This gave the impression that these were not considered core issues, but “accessories and [themes] related to the official account” (Bauer quoted in Weissheimer 2017). Weichert reports that the texts were written by CNV researchers working under the guidance of truth commissioners. Rosa Maria Cardoso led the team working on the military, workers, universities and civilians who collaborated with the regime. Maria Rita Kehl led the teams working on peasants, indigenous peoples and resistance; and Paulo Sérgio Pinheiro was responsible for the issues of religion and the LGBT community (Weichert 2014, 45).

Here is a summary of the findings presented in the CNV report:

In Brazil, from 1946 to 1988 (...), 191 deaths by summary and illegal execution or resulting from torture were reported [243 people were victims of forced disappearance] (...) serious violations of human rights occurred systematically (...). Homicides were perpetrated by security organisations (...) [and] practised within a complex structure constituted within the state apparatus (...). The vast majority of
these deaths occurred as a result of torture (Brazil, CNV 2014a, 438).³¹¹

It is interesting to see the original timeframe proposed in the mandate and rejected by the commissioners at an early stage lurk back in the final report. In the past, officials systematically denied the use of torture and the existence of guerrilla warfare in the Araguaia region. It has now become extremely difficult to argue against the evidence presented in the CNV report. During the regime, officials often claimed that the dead had fled, committed suicide, or had died in an accident as they tried to escape prison (among other fabrications). CNV’s countering of these types of explanations presented by the military officials for the deaths and disappearances has the effect of restoring the temporal and spatial coordinates of the facts. This is an important step towards limiting the scope of lies told about the past.

The international human rights community praised Brazil’s truth-finding effort. A member of the IACHR, José Henríquez, hailed it as “a fundamental step to reach truth regarding human rights violations in the recent past” (IACHR 2015). The UN High Commissioner for Human Rights, Prince Zeid Ra’ad Zeid Al-Hussein of Jordan commended the final report while pointing out that perpetrators of crimes against humanity cannot continue to be shielded by the Amnesty Law. The positive comments coming from high places in the international community show that as a “diplomatic project” to “appease[e] the international human rights community” (Schneider 2013b, 154), CNV may have been more successful abroad than is the case domestically.

The content of the report, in terms of its unearthing of new information, has been limited. The report relies heavily on materials collected by previous efforts. Its starting point was effectively a pre-existing interpretation of the past: “CNV can grant formal recognition to a truth that not only is already known by many, but that has already been the source of reparations issued by the state but that is still negated by some groups in society” (Torelly 2014, 229). Despite the breadth of publications on the 1964 military dictatorship by professional historians, the report uses academic historical research only as secondary source materials whilst bringing together and expanding upon research

³¹¹ On the issue of locating the remains and identifying the political dead and disappeared, CNV did not have much success, with only one body identified over the course of the its investigations. The report acknowledges failure in identifying all fatal victims, noting that the number of victims presented (434) “certainly does not correspond to the total number of deaths and disappearances” (Brazil, CNV 2014a, 963).
done by civil society projects such as the *Torture in Brazil* report, and reparation initiatives the Amnesty Commission and CEMDP.\footnote{For analysis contrasting the reparation commissions and their input to CNV see Torelly, M. ‘Das comissões de reparação à Comissão da Verdade: contribuições da Comissão sobre Mortos e Desaparecidos Políticos (1995) e da Comissão de Anistia (2001) para a Comissão Nacional da Verdade.’ In *Justiça de transição direito à justiça, à memória e à verdade*. Ed. By Tosi, G. et al. (Ed. da UFPB, 2014).}

The fact that academic historiography has been largely ignored by CNV drew criticism from Marcos Napolitano, who suggested that CNV had been an opportunity to bring together judicial truth and historiographical research. This would have generated a more in-depth study of the historiography on the dictatorship, which, “paradoxically points towards a number of revisions of the hegemonic memory” (2015, 38). Teixeirense also criticises the report in this regard, claiming it “largely ignores the historiographical criticism (...) directed at romanticised readings” (2017, 181).

Albeit the report looks back at the narratives produced by reports that precede it, at the same time it seeks to establish new paths for historical narratives that are yet to be written. CNV coordinator Pedro Dallari has claimed that the report is useful for researchers; “a definite reference in Brazil, no one will be able to do research on this period of Brazilian history without working with the CNV report” (quoted in de Hollanda 2015, 304).

Rather than the information it holds, the aspect historians seem to value most is the report’s potential to affect public discourse. Luiz Antonio Dias, for instance, claimed there were no “big revelations that can change the course of historiography, but CNV’s work gave visibility to the issue and was a model for the creation of commissions at state, municipal and sectoral levels” (quoted in Martins 2014). Fernando Nicolazzi similarly declared that “CNV marked an important event in the Brazilian public space (...) its repercussions and the debates it has fuelled certainly give it an important place in the current debate” (2017, 8). Caroline Bauer agrees: “there is a positive evaluation in relation to the re-engagement of public debate about the civil-military Brazilian dictatorship” (2017, 237). Overall, the CNV report has been received as a valid effort and a useful volume, more as a compilation of existing documents and previous initiatives than for its unveiling of new information.
3.5 Conclusion: On Reconciliation(s)

Before analysing the representations of the past produced by the reparation commissions and right to memory and truth initiatives implemented by the executive branch of the Brazilian federal government, it is important to be clear on the cohesion among these initiatives. As discussed above, they were not envisaged as a comprehensive national public memory policy; that is, they were neither planned in coordination nor at the same time (Bauer 2014, 156; Cano and Ferreira 2006, 102). This means they are best characterised as interwoven, disordered discourses (Wodak 1996, 24), which, for example, often use different language to talk about the past—and this is noted throughout this dissertation. In fact, the Brazilian political strategies for coming to terms with the past have been considered by one commentator to be “a confusing compilation of fragmented and disconnected historical events and state initiatives” (Coelho 2011, 208-9).

Despite the absence of a concerted national programme of public memory policies concerning the legacies of dictatorship, the initiatives implemented by the federal executive to deal with the past are permeated by the so-called Brazilian ‘conciliatory character’ (see note 50 above), which translated as a gradual, moderate and non-confrontational dealing with the past (Mezarobba 2007, 16; Pereira 2017). The practice of pact-making in relation to memory politics was first observed during the negotiations that led to the 1979 Amnesty Law and the “reconciliation by institutionalised forgetting” it impinged (Atencio 2014, 12).

The objectives the Brazilian executive power published in the PNDH-3 were clear: “the programmatic actions of this guiding principle are aimed at ensuring the democratic and republican processing of this period of Brazilian history, so that the desirable national reconciliation becomes a reality” (Brazil 2009a, emphasis added). The initiatives have a mandate to reconcile the nation and further improve the country’s democracy, forging a “broad consensus so that the systematic human rights violations that occurred between 1964 and 1985 (...) never again occur” (Brazil 2009), and disseminating historical truth about the crimes committed during the dictatorship is part of this larger effort.

The laws regulating the initiatives concerning the legacies of dictatorship also make the objectives of Brazil’s settling of accounts clear: closing the life cycle of conflict and
leading to social reparation. CEMDP is said to follow “the principle of national reconciliation and pacification” (cemdp.sdh.gov.br n.d.a). In a rare coordinated intervention, representatives of Amnesty Commission and CEMDP wrote: “as state institutions (...) [the commissions] have the role of consolidating the democratic values in the country” (Abrão and Gonzaga 2015). Revealed Memories equally claims to “create the conditions to improve the democratisation of the state and society” (memoriasreveladas.gov.br 2009).

During the promulgation of the law that established CNV, Rousseff declared it was important that Brazil went through the “process of construction of truth and memory” to consolidate its democracy (2011). The truth commission’s mandate was already deemed by the president “a demonstration of the maturity of the Brazilian democracy,” but having a truth commission was said to be a step that could make Brazil “a better, fairer, less unequal and especially, a more democratic country” (2011). After the CNV report was published, truth commissioners restated the initiative’s goals as “the search for truth, the rescue of memory and national reconciliation” (Dias et al. 2014).

The transition to democratic civilian rule in 1985 did not dare to question the 1979 amnesty that made it possible for state agents to walk away from the serious crimes they had committed during the regime. As discussed previously, the amnesty was required by the Armed Forces to start the process of handing power back to civilian politicians. However, the original understanding of reconciliation as forgetting enshrined in the 1979 Amnesty Law was insufficient; it did not address the past or the injustices and divisions in society the military dictatorship left behind.

Once the initiatives concerning the legacies of dictatorship are designed and implemented at the highest level of political power, the initial character of the Brazilian reconciliation-as-silence is modified. The institutionalised forgetting of the Amnesty Law gave way to the conciliation through compensation of CEMDP and Amnesty Commission, and then there was the truth-finding proposed by Revealed Memories and CNV. However,

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115 Reconciliation is discussed here not as a spiritual process (based on a religious frame of forgiveness, such as in the South African TRC for example), but rather in the sort of socio-political reconciliation that enables members of a society to feel that they belong and can engage with their fellow citizens in the polis. “Only someone who is reconciled with the world—someone who accepts the world as it is and comes to terms with the world—can politically act in that world” (Arendt quoted in Berkowitz 2011, 332).
recent events show that Brazil’s process is still in flux, open to change according to the shifting views of society and policymakers.

The understanding of reconciliation that informs CEMDP and in part, Amnesty Commission (until 2007) is the reconstruction of victim-state relations. The first commission recognised state responsibility for the deaths of persons killed by the regime, who up until that point were considered ‘disappeared.’ This was an effort to reconcile their relatives, who were directly and personally affected by these crimes, and the state. The same can be said to occur in the Amnesty Commission’s effort to grant political amnesty and offer financial compensation to individuals. In that case, reparation is based on constitutional precepts related to employment law, which means the reconciliation is between victims who had their professional careers negatively affected by the regime’s political persecution and the Brazilian government.

This mode of reconciliation was made visible as news of one of the first actions of CEMDP—the production of the death certificate of Federal Deputy Rubens Paiva—appeared in the newspapers. It was accompanied by an image of Eunice Paiva, widow of the disappeared politician, embracing Gen. Alberto Cardoso, a representative of the Institutional Security Cabinet (Castro and D’Araújo 1999, 43). When signing a provisional measure related to Amnesty Commission, President Cardoso alluded to that moment: “I invited the widow of my dear friend Rubens Paiva to attend one of the first steps into this process, and all the newspapers published an image that illustrates very well the new moment Brazil is going through (...) showing, expressively, the reconciliation” (Brazil, Cardoso 2002, 331).

After Abrão’s overhaul of the Amnesty Commission in 2007, it started to emphasise the collective dimension of reparations, and its commitment to engage and educate the wider society. The shift was clearly stated: “as the Brazilian process of reparation to victims is substantially advanced, the federal government starts to seek, with society, the routes through which truth can be revealed and social memory constructed” (Brazil, Justice Ministry 2008, 50). The commission started the work of broadening the reconciliation, to impact the wider society—beyond individuals directly and personally affected by the crimes committed by state officials. In a publication by the Marks of Memory project, the double task of individual and collective reconciliation is explained:

If the individual reparation is a way to try to reconcile the citizens who have had
their rights violated, and now have the opportunity to see that the state acknowledges that what it did was wrong, thus returning their citizenry and assets that had been taken from them; on the other hand, collective reparations, projects concerning the legacies of dictatorship and actions of non-repetition have the clear objective of letting the entire society know, understand and repudiate those errors (Comissão de Anistia do Ministério da Justiça 2012, 13).

Initiatives that came after this realisation of the wider role of the government in the process of reckoning can be framed within yet another understanding of reconciliation: as the restoring of trust in state institutions. In comparison to CEMDP, Amnesty Commission (after 2007), Revealed Memories and CNV became more confrontational in their pursuit of truth.\textsuperscript{116} That departure from the early attitude of letting bygones be bygones marks the third understanding of reconciliation. It is an attempt to obtain institutional reconciliation, a process of legitimisation of institutions to the wider society that seeks to bring about a sense of cohesion, Brazil “being one united country” (Vannuchi quoted in Engstrom 2014, 7) with clear red lines recognised by all and respect for human rights shared across society. As truth commissioner José Carlos Dias affirmed (perhaps too soon), reconciliation is the formation of a consensus around the past: “Brazil is embarrassed by the Brazil it once was, and it does not want to be embarrassed by the Brazil it will become” (Dias 2014).

This understanding appears for example in the Amnesty Commission’s commitment to reach citizens across the nation. Despite being “an organ devoted to the reparation of the political persecuted” (Abrão, Torelly, and Cruz 2012, 10), Amnesty Commission dedicated resources to produce materials with an educational purpose, intended to inform Brazilians about the human rights violations of the past. They offer Brazilian civil society guidance in relation to how the memory of human rights violations and political repression should be understood—and repudiated.

CNV offered another form of institutional reconciliation; it further aligned Brazilian efforts concerning the legacies of dictatorship to contemporary human rights discourse, and, by naming names and circumscribing wrongdoing to 377 military officials, it placed responsibility squarely at the military thus averting public acknowledgement of the role played by other state institutions and their responsibility for crimes committed during

\textsuperscript{116} Sérgio Adorno compared PT’s confrontation ethos to Cardoso’s “less open stance” as the reason behind Cardoso’s capacity to have advanced in certain issues more easily, described as having “crossed oceans without much sign of turbulence” (2010).
the regime (such as the political class and the judiciary). Truth commissioner Paulo Sérgio Pinheiro was a sceptical voice among those responsible for carrying out the initiatives concerning the legacies of dictatorship; he declared in 2012 that the Brazilian reconciliation was still a long way away, and affirmed that it was too early to speak of reconciliation if victims’ relatives were not given the truth, they would not reconcile (quoted in Barbosa 2012).

The Brazilian process diverts from a more critical examination of the complex relations that enabled the coup and the resilience of the military regime, which managed to stay in power for over two decades. Topics ignored include the participation of civilians in the repression, as supporters and as benefactors of the regime, the complex macroeconomics that saw the country’s GDP grow exponentially, but left behind a burdensome external debt. The dictatorial past is plural, made up of “repression, prosperity, torture, self-complacent euphoria, patriotic parties, assassinations, sports victories, raising self-esteem, rampant misery, social inequalities” (Reis Filho 2010a, 178) and the coming to terms with that past will necessarily bear a different meaning to different groups in society (Brito, Enriquez, and Aguilar 2001, 156).

The fact that the Armed Forces diverge on the interpretation of the past is of central importance to the Brazilian case. Political reconciliation necessarily has to bring about an attitudinal and institutional change and see the creation of “a limited community of behaviour (outward respect for democratic rules and institutions) and conviction (internalisation of democratic values and norms)” (Sa’adah 1998, 3). It is a problem if officials are not in agreement with the view that what happened in the past was wrong (and should not happen again), because it indicates that there is no agreement on society’s red lines and new rules which should be obeyed by all in the polity, including current agents of the security apparatus. It is important that the institutions that ruled Brazil and constructed the legal, political, social and psychological structure that made abuse of power and a culture of impunity possible acknowledge they were wrong in doing what they did. In the absence of a contrite attitude from the Armed Forces, it is difficult to ‘turn the page’ on the events of the past or have the public believe that similar things will ‘never again’ occur.

Owing to years of false information spread by the military regime and the silence and denial imposed by the Armed Forces (Payne 2008, 173), the violence of the dictatorial
period was never accounted for. Establishing simple ‘factual’ truth has been an important and necessary aspect of the initiatives concerning the legacies of dictatorship, however, the ‘factual’ truth had been ‘out there’ at least since the CEMDP 2007 report Right to Truth and Memory, if not earlier, since the 1985 *Torture in Brazil* report. Having said that, the CNV report is the most relevant mechanism for this purpose, due to its being the first official initiative designed to investigate the gross human rights violations occurred in Brazil’s recent past.

Commentators have described the Brazilian processes explored in this chapter as a politics “of reparations” (Napolitano 2011, 217), “of reconciliation by memory” (Atencio 2014, 123), “of the past” (Wasserman 2015). They have also been deemed quite simply a “new politics of memory” (Schneider and Atencio 2016, 17). Critics have remarked on the existence of “a culture of amnesty”, which “reinforced a discourse of forgetting and reconciliation, and not truth and punishment” (Chirio quoted in Velasco 2012). Rebecca Atencio has made the claim that in Brazil reconciliation is directly connected to the institutionalised forgetting of 1979 Amnesty Law (2014, 12).

Brazil’s state-controlled process of reconciliation is one that fulfils a political function by giving the impression that the democratic state is settling the accounts with the military dictatorship, however the belated and partial truth it offers fails to deliver justice for historical crimes; it does not provide any justice regarding human rights violations occurred during the regime. To this day, the prosecution of state agents who perpetrated crimes against humanity is barred, leaving torture, extrajudicial executions and the concealment of human remains unaccounted for. Those who have been victimised still have to live with the knowledge that those responsible for violating their rights have not been punished. The mismatch within the Brazilian state between the promotion of truth initiatives on the one hand, and obstructing the judicial prosecution of perpetrators on the other has been described as a “disharmonious duet” (Teixeirensense 2017, 178). Historian Caroline Bauer adds that “Brazilian memory policies reiterate impunity” (2017, 138), words that resonate with the view of the country’s memorialisation as a “politics of impunity” (Furtado 2016).

With this note, the first line of inquiry of this investigation reaches its conclusion. This dissertation has so far explained the context of Brazil’s reckoning with the recent past in two parts. First, an account of the contentious past was offered which described
the dictatorship as a regime marred by censorship, characterised by state-sponsored violence and abuse of authority by the military (Chapter 2). It was followed by a detailed description of the main initiatives designed and implemented by the Brazilian federal executive to deal with that past (Chapter 3), with special attention to the Special Commission on Political Deaths and Disappearances (CEMDP), Amnesty Commission, Revealed Memories and the Brazilian National Truth Commission (CNV). The timeframe of this investigation encompasses memory policies elaborated and implemented between 1995-2016, during the presidencies of Fernando Henrique Cardoso, Lula da Silva and Dilma Rousseff.

The second line of inquiry pursued in this dissertation considers the memory of the Brazilian dictatorship from the perspective of discourse, addressing memory as a social and discursive practice. Chapter 4 outlines the interpretation of the recent Brazilian national past propagated in discourses produced by the Brazilian federal initiatives concerning the legacies of dictatorship. It looks at what of the recent past is memorialised in the Brazilian initiatives. Chapter 5 investigates how those interpretations are discursively constructed, detailing practices and patterns deployed in texts produced by the official initiatives and their representatives.
Chapter 4. Representations of the Dictatorial Past

4.1 Introduction

Every narrative of the past is a re-presentation, something said instead of an event.
- Beatriz Sarlo, Tiempo Pasado

The present chapter investigates the use of language and other symbolic systems by the initiatives implemented by the executive branch of the Brazilian federal government to address some of the injustices occurred during the country’s authoritarian period. It argues that contentious aspects are reframed in this process of revisiting the past. The initiatives make sense of the past, and in so doing, they forge a way of talking about the past which policymakers hope will resonate with Brazilian citizens. This process is observed in the three levels of interpretation, “the archive, explanation/understanding, and representation” described by Paul Ricoeur (2004, 340).

Most of the texts produced by the government’s initiatives are not strictly speaking works of history, however the initiatives act as “officially accredited definers of reality” (Berger and Luckmann 1967, 115) whose discursive acts create a symbolic universe that retells the events and experience of the period of 1964-1985, commonly referred to as the military dictatorship. This chapter provides a view of what of the recent past is committed to memory in the Brazilian initiatives. Chapter 5 investigates how discourses about the past are constructed by looking at some of the strategies deployed by Brazil’s public policies in their production of representations of the past.

Although uncoordinated, the initiatives established and carried out by the federal executive power from 1995 to 2016 confer meaning to discourses about the past formulated in other governmental initiatives. Discourse analysis scholars have referred to this as ‘intertextuality’ – “the way in which a text relates to other texts that are ‘outside it, yet in some way brought into it’” (Fairclough quoted in Heer and Wodak 2008, 11).117

Edward Said characterises the ‘flexible positional authority’ as the feature of discourse which enables fragmentary, ‘un-unified’ and dissociable discursive acts to work together in conjunction (1978)—hence
Despite the ‘discursive disorder’ caused by the diversity of initiatives, the ensemble of interwoven discourses transmits institutional meanings (Wodak 1996), which this chapter characterises as a negative evaluation of the dictatorship.

The Brazilian initiatives’ memory-making discursive acts (such as issuing apologies, deliberating on applications for amnesty, issuing recommendations for future action) produce texts, documents and media that disseminate views on the past. These are never the work of any one person but of a range of social actors. No institution is monolithic and multiple relationships and webs of connections exist within the discourses of the initiatives. Their (at times conflicting) discourses are interwoven, their texts relate to texts and actors (such as consultants, politicians and actors) of the other initiatives. Existing discursive differences have to be negotiated; “texts are often sites of struggle in that they show traces of differing discourses and ideologies contending and struggling for dominance” (Martin and Wodak 2003, 6).

Chapter 3 provided a mapping of who speaks in the name of the Brazilian federal government about the dictatorial past. The view certain individuals hold is transmitted to the wider civil society through the texts sanctioned by the initiatives. Be it through their position as elected representatives of the Brazilian electorate (Presidents) or through their work or participation in the production of texts within the initiatives concerning the legacies of dictatorship (Ministers, commissioners and consultants in the initiatives), their vision can impact society’s interpretation of its past.

This chapter argues that the initiatives concerning the legacies of dictatorship represent a government-controlled process of memorialisation, as they contribute to the construction of an exclusively negative view of the country’s political past that is retold in light of the severe human rights violations that occurred during the regime. In this process, human rights violations perpetrated by state officials during the country’s most recent period of authoritarian rule are denounced and objected.

This interpretation is unlike the attenuating narrative sustained by the Armed Forces—which affirms that the dictatorial regime period was characterised by a war against communism and that Brazil went through a ditabranda (“soft dictatorship”)—; or

Foucault’s assertion that “discursive events must be treated along the lines of homogenous series which, however, are discontinuous in relation to each other” (1981, 69). Discursive practices can cross and juxtapose one another.
the pledge for a narrative amnesty, that the past is wiped out and forgotten, voiced for example by former President José Sarney (2006). The interpretation of the federal government’s initiatives leaves behind the amnesiac amnesty and “reconciliation by institutionalised forgetting” (Atencio 2014, 12) for the ethos of an “anamnestic amnesty” (Greco 2014), a call to memory of the recent past oriented towards reparation. The shift was noticeable for example in Dilma Rousseff’s declaration that “ignorance about the past is not conducive to peace” (2014).

Anamnesis is something that organised victims’ groups have always demanded—however, their insistence on learning the truth about the past and obtaining justice, the discourses produced by the official initiatives often dissociate the narrative of human rights violations from direct calls for the prosecution of perpetrators, which leaves the 1979 amnesty untouched. The next chapter will provide more details on how the discursive practices of the federal government’s initiatives approximate and diverge from discourses of victims’ groups, one clear divergence being the acceptance of the amnesty by the former and not by the latter. The relevant fact for the moment is that through its initiatives that deal with the dictatorial past, the government engages directly in shaping the national memory. This chapter focuses on the vision of the past transmitted by the initiatives, using the past and history to signal how Brazilians should think, feel and behave about the dictatorial period.

The reframing of the past proposed by the Brazilian initiatives concerning the legacies of dictatorship understands the past as limited almost exclusively to human rights violations committed during the military regime. Three main aspects are analysed in this chapter. First, in the case of initiatives concerning the legacies of dictatorship established by the Brazilian federal government, the difficulty to collect documents and evidence related to the period has partly led to an approximation to the discourses of groups representing the political persecuted (arguably the main targets of these violations, this topic is further discussed in the next chapter). Second, the initiatives’ actions of memory and discourses about the past can be understood as the successful extension of the state into the realm of human rights activity. Third, the metahistorical interpretation of Brazil as a nation on a path towards a better future by carrying out its post-transitional justice initiatives.
4.2 Archives

The moment of fact assembly (the making of archives)” is thought to be an important element of the process of historical sense-making.

- Michel-Rolph Trouillot, Silencing the Past

The creation of archives plays a part in the definition of what aspects of the past are silenced. The archives established by the Brazilian federal government’s initiatives have a role in the process of selection of what should be preserved and what can be discarded. They are the starting point to our investigation into the making of representations of the dictatorial past by the ensemble of discourses propagated by the initiatives concerning the legacies of dictatorship implemented by the executive branch of the Brazilian federal government.

Although the Armed Forces claim that all documents related to the regime have been destroyed, specialists treat the declaration that records no longer exist with caution (Gallo 2011, 61; Joffily 2012). In the 1970s, the Armed Forces copied thousands of documents to microfilm, and it was common for copies of documents to exist in different locations. CNV commissioner Pedro Dallari has declared many times that if archives had been destroyed, a document would exist ordering their destruction. Truth commissioner Paulo Sérgio Pinheiro also expressed his disbelief, saying that “only those who believe in fairy tales assume the archives are gone” (quoted in Barbosa 2012).

Over the course of Brazil’s production of a historical understanding of the dictatorial regime, the Armed Forces have at every possible occasion attempted to silence those willing to disclose its secrets. During the regime, officials censored information that could enter in circulation. They also recorded misleading data on official documents. This was common (but not exclusive to) cases of deaths caused by torture, recorded as suicides or accidents, certified by untruthful medical records attesting to the version of events propagated by the military regime.

Further to this, the Armed Forces succeeded in making it difficult to find evidence of their covert operations. Access to documents about the regime remained a persistent problem in Brazil, even after civilians were back into power. As discussed in Chapter 3,
finding out the truth about what had happened and dealing with the dictatorial past were not priorities in the immediate aftermath of the re-democratisation of the country.

Although President Fernando Henrique Cardoso took the first major step towards the reparation of historical injustices in 1995, he acted contrary to this when he issued a decree extending the length of time official documents could remain classified a few days before leaving office (decree n. 4553/2002). With this measure, documents from the dictatorship era (most of which are top secret) were susceptible to being reclassified indefinitely (de Angelo 2012, 209). This gave the policy the epithet of ‘eternal secrecy act.’

President Lula da Silva’s attitude towards archives has also been criticised. It was considered “schizophrenic” by some commentators because during his presidency the ‘eternal secrecy act’ was maintained (Santos 2010, 144) at the same time that archives were opened and closed without a clear strategy (Brito 2013).

President Dilma Rousseff overturned the ‘eternal secrecy act’ with the announcement of the “Access to Information Law” (n. 12.527/11), which regulates access to public documents. The law establishes that “access to information necessary for the judicial or administrative supervision of fundamental rights cannot be denied” and that “information or documents that deal with actions involving the violation of human rights committed by public officials (...) cannot be the object of restricted access” (Brazil 2011a). The law was promulgated on the same day that the CNV mandate was announced.

As discussed above, the dictatorship only started to become an area of professional academic historical research in the mid-90s, with a steady output of publications on the topic since the early 2000s (Araújo 2004; Fico 2013; and D’Araújo 2015). The establishment of a historical record, the re-elaboration of the past (contesting the version told by the military), came about through investigations conducted by victims and their families to apply for compensation from CEMDP and Amnesty Commission.

The political will to address the dictatorial past which enabled the establishment of the government’s initiatives did not translate as the political strength to order the opening of the military archives. On the contrary, the state appropriated the documentation effort done by the political opponents of the regime and victims of acts of exception more readily than it has attempted negotiations with the Armed Forces to open their vaults, which points to the vital question of just how far is the Brazilian government willing to impose civilian rule on the Armed Forces (Joffily 2012).
Archives are not usually perceived as directly engaged with the rewriting of history. However, according to scholar Trudy Petersen, their role in the creation of a narrative and the making of history becomes more prominent when they have a mandate “to expose the ‘truth’ of certain notorious events or eras” (2018, 155). There are two ways the archives impact how the past will be told in future, through the appraisal of “what records to keep and what to destroy” and the description of the archive’s content (Ibid 2018, 149). Revealed Memories’ main objective is to form a central archive housing documents from different sources especially from the dictatorial regime period. As commentators have remarked, the project “seeks to clarify events occurred in the recent political history of Brazil” (Rodrigues and Fonseca 2015, 85). Thus, it bears part of the responsibility for the construction of official representations of the dictatorial past.

The project aims to facilitate access to documents from the dictatorial regime. One of its first actions was to issue a call for contributions, which asked members of the public to send relevant documents to the initiative. Again relying on civil society to collaborate rather than requesting public organs to contribute with materials to the archive, the National Archives asked the public to send items related to the memory of the repression. The call reveals the types of materials Revealed Memories is interested in: “police-military investigations, removal of rights, measures of control of individuals, associations and suspected organisations, military agreements and the National Security Law, among other issues.”

Daniel Aarão Reis Filho has raised concerns about the project: “Revealed Memories only reveals the memory of resistance” (2013, 215–33). “The approximations, the complicities, the supports that thrived in society do not appear (...). In Revealed Memories, resistance is revealed, an almost magical, homogenising word” (Reis Filho 2010a, 179; see also Fico 2012). Historian Carlos Fico has made a similar observation, pointing out that the memory of Revealed Memories archives is the same as the discourse from the unofficial report Torture in Brazil. The memory it produced “became (...) predominant and a candidate to the official history of the dictatorship through the

In 2010, Revealed Memories made a successful application request to integrate UNESCO’s Memory of the World programme. The quote above is taken from this registration form. In that same document historian Carlos Fico emphasises the project’s double importance as a source of information for the actions of the intelligentsia and repression as well as “their role in providing evidence so victims of repression can claim reparation” (Brazil, Revealed Memories 2010).
project Revealed Memories” (2017, 39). Indeed, when one looks at the patterns, commonality, and relationships in different texts by the Brazilian initiatives, they seem to give continuity to a perspective that first emerged in the unofficial report.

The bestselling report Brasil: Nunca Mais (publish in English as Torture in Brazil), was the first publication to discuss the crimes committed by the Brazilian regime. It is the result of a risky project carried out by the Catholic church and lawyers. They secretly photocopied documents from over 700 legal cases against imprisoned political dissidents from the Military Justice system between 1964 and 1979. In the words of Carlos Lichtsztejn, who was involved in the project, the idea was to “take documents of the dictatorship and use them to show the crimes that were being committed” (quoted in Teles 2011, 471). The report was based on official documents produced by the regime, so it could not be contested by the Armed Forces. Because it relies on judicial documents, the report contains more information about those who survived (and went on trial), than individuals killed while serving their sentences.

Historian Janaína de Almeida Teles describes the report as “a foundation for the construction of the memory of political repression in the period. The project defined, in large part, the place of survivors, bringing the crimes [of the regime] to public knowledge” (2011, 465). That view is shared by truth commissioners. In a section entitled “Historical Background,” the CNV report lists initiatives before it that disclosed information about Brazil’s past (Brazil, CNV 2014a, 23–31). The CNV report is portrayed as the culmination of this series of projects, which starts at victims’ attempts to draw attention to crimes being perpetrated in Brazilian prisons in 1975 (“Bagulhão”), followed by the 1978 Brazilian Committee for Amnesty, calls for direct elections in 1983–1984, the Torture in Brazil report of 1985, and the 1988 Constitution. It then lists the government’s initiatives, CEMDP, its report (2007) and the Amnesty Commission.119

It is remarkable that CNV states that the preceding initiatives, CEMDP and Amnesty Commission, “despite being considered reparation commissions, both contributed to the struggle for memory, truth and justice” (Brazil, CNV 2014a, 28). The CEMDP report is described as “an essential source of information” (Ibid n. 16, 493), said to not only collect information, but deepen and reaffirm a version of the past already in circulation in the

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119 Revealed Memories is not mentioned in CNV’s “Historical Background.”
“institutional and civil society initiatives that preceded and coexist with it” (Ibid, 29). Alongside the Amnesty Commission, it is considered to “have provided a privileged space to the search for truth (...) [and having] granted public status to a version constantly denied by military institutions.” (Ibid, 28).

As discussed in the previous chapter, the archives of both official reparation initiatives (CEMDP and the Amnesty Commission) include documents related to past criminal activities of the regime committed against dissidents. Victims and relatives of fatal victims who had opportunities to request reparations from the Brazilian federal government collected the documents. Both laid the burden of proof on victims and their representatives, and at least until the Access to Information Law of 2011 and CNV, the Brazilian state had not made information any more accessible to the public than the military had.

Amnesty Commission representatives have remarked on the relevance of the materials collected and presented to the reparation commission, claiming that “Some of the best archives of the repressive period are held by the reparations commissions [CEMDP and the Amnesty Commission], which have contributed to the construction of the historical truth from the perspective of the political persecuted” (Abrão and Torelly 2011a, 224).

The claim that reparation commissions hold ‘the best archives’ is problematic. The archives constructed by CEMDP, Amnesty Commission and even Revealed Memories demonstrate that the Brazilian state remained largely passive in this process, open to receive information and evidence from citizens, but largely unwilling to conduct investigations and demand the collaboration of the Armed Forces.

The first state-commissioned investigation carried out by CNV occurred 27 years after the return of civilian rule. The commissioners travelled around the country collecting testimonies and evidence, to build upon information amassed by previous reports on human rights violations and crimes against humanity perpetrated by state officials. Their final report presents an evidence-based factual description of the past and seeks to establish a universal, objective, incontestable factual truth, much influenced by the legal positivist and realist epistemological framework (Wilson 2005, 912).

Senior actors within the initiatives dispute the claim that memory is produced through their work. They refrain from thinking of their activities as making sense of the
past and providing society with an interpretation of its past. These “entrepreneurs of memory” (Torpey 2009, 22) refute their role as “memory-makers” (Bilbija and Payne 2011, 3), and deny the view that the institutions they integrate “plan, form, transmit, control, and disseminate official narrative” (Bar-Tal 2013, 64).120

There was not a shared understanding among Brazilian truth commissioners on this issue. Rosa Cardoso, for example, denied that the truth commission should act as political scientists or historians “who tell history using the strict rules of academia.” Rather, she saw their challenge as “to build a creative, well-founded, relevant interpretation of the coup and military dictatorship, as well as violations of rights in it, information that is inscribed in the body and in the memories of those who were raped, the victims and their relatives” (Cardoso 2012). What is interesting about her view is the fact that human rights violations are complementary to an interpretation of the military regime.

José Carlos Dias, on the other hand, affirms that the truth commission had a commitment to revealing the past—in particular Brazil’s violence, to be revealed especially to future generations. “What is our mission? To rewrite the history of Brazil, with all its accents with all the truth, with all seriousness” (Dias 2014). Paulo Sérgio Pinheiro alluded to the history-writing aspect of the truth commission connecting it to the work already done by preceding initiatives:

The creation of reparation commissions by local governments, and [federal] bodies such as CEMDP and Amnesty Commission, has contributed strongly to the systematization of archives as well as to the rewriting of the country’s political history. Their collections (...) are fundamental to the research conducted by CNV, as they represent the materiality of the victims’ voice (Pinheiro 2013).121

CNV commissioner Pedro Dallari sees the report differently. In his view, CNV avoided ‘the pitfalls’ of historical interpretation by producing a ‘lean’ report. He claims

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121 Both Cardoso and Pinheiro seem to lump together in one large ‘victim category’ all of the regime’s victims, implying that there is a single perspective of victims. As will be further discussed, there is in fact a wide plurality among victims. They may have had different political backgrounds, acted against the regime in different ways and even have different opinions on how Brazil has been reckoning with the dictatorial past.
the force of unedited 'raw' facts is so great that their mere presentation gives weight to the report's central findings, presented as the truth commission's conclusions.\footnote{A summary of the four conclusions can read as follows: (1) gross human rights violations occurred; (2) the violations were systematic and widespread, a policy of the Brazilian state; (3) crimes against humanity have occurred; and (4) gross human rights violations continue to occur in the present (Brazil, CNV 2014a, 962–64).}

Dallari denies that the report offers a historical interpretation, which in his view is ‘open to debate.’ He affirms that the Brazilian truth commission “produced a framework of reference which is now definitive” (quoted in de Hollanda 2015, 304). The issue of whether or not the CNV report presents an interpretation of history is further discussed in the next section. For now, let us focus on the evidence it unearthed.

CNV had an uneasy relationship with the Ministry of Defence and the Armed Forces. Defence Minister Celso Amorim deemed “the intermediation between the military corporation (...) and CNV (...) the hardest task of all” (2015).\footnote{In Amorim’s view, the difficulties related to the dialogue between the Armed Forces and CNV have “limited his expiry date as Defence Minister” (quoted in Carneiro 2015). Political scientist Glenda Mezarobba collaborated in CNV as a consultant in the dialogue with the Armed Forces. She welcomes CNV’s efforts to engage with the military and shed light on cases of deaths and enforced disappearances. See Mezarobba, G. 2015. ‘Lies Engraved on Marble and Truths Lost Forever.’ Sur 12/21.} Despite failing to gain full cooperation from the Armed Forces to their investigations, commissioners obtained some progress. For the first time, a system was established to ask questions about the dictatorial past; official correspondence between CNV and the Armed Forces was carefully analysed by teams of officials at each institution, and meetings were held between CNV representatives and high-ranking officials.

For example, in 2013 the commissioners inquired the Army High Command about the training Brazilian officials received at the U.S. School of the Americas (SOA), originally located in Panama. The reply is an example of excuses formulated by officials so as to not to cooperate with CNV:

The requests (...) are inserted in a context directly influenced by a temporal gap, affected by the dispersion of historical information, the absence of a database with consolidated data on the required information, and, finally, by the archival...
Commentators agree that the truth commission’s main achievement has been to systematise and consolidate the available documents and information on human rights violations and state repression. Marcelo Torelly remarked on the high quality of CNV’s compilation of data; “its first main accomplishment was (...) to assemble everything that was already known in a systematic way, thickening the narrative with testimonial evidence and legitimising an account of violence that the regime had mostly tried to cover up” (2018, 18).

The truth commission’s most relevant contribution to researchers in terms of previously unseen documents from the Brazilian military regime is a collection of 4,151 pages of documents held by the Navy intelligentsia, CENIMAR.124 CNV senior historian Heloisa Starling said that finding these documents was important because it “reveals that it is highly likely that the Armed Forces still have archives of the dictatorship period” (2015)—the logic being that if the Navy had documents, other institutions that deny the existence of any military files probably also hold their records from the period as well.

The truth commission’s efforts were not enough to change the historical culture of the Armed Forces. Officials were not obliged to attend hearings or relinquish documents (D’Araújo 2012a, 593) and in February 2014, Army Commander Enzo Peri circulated an order silencing all units under his command, it informed all staff that his office would deal with any requests of information concerning the military dictatorship period. Truth commissioner Maria Rita Kehl has criticised Dilma Rousseff for not intervening at that moment; she believes the President should have “ordered the Commanders of the three Forces to open their archives and reveal the location of the political disappeared” (2014).

Developments which unfolded during the work of CNV further demonstrate the Army’s unwillingness to cooperate with investigations into the dictatorship period.125

Days before CNV commissioners’ scheduled visit to Hospital Central do Exército (Army

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124 The documents were supposed to be online by May 2016 (CGU 23480.015205/2015-24). At the time of writing (March 2019), the material has not yet been made public by the Federal University of Minas Gerais, even though a website was designed to host the material: https://www.ufmg.br/brasildoc/ [retrieved on 05/03/19].

125 Which specifically states that “public servants and military officials have a duty to collaborate with CNV” (Brazil 2011b).
Central Hospital) in Rio de Janeiro, officials ordered employees to hide documents related to cases the commissioners were interested in.

Military officials who gave evidence received no witness protection. This may have been a factor in the deaths of regime officials Paulo Malhães and Júlio Miguel Molinas Dias. Both were killed in suspicious circumstances, after cooperating with CNV. Two police officers are in prison for the murder of Dias, assassinated in front of his house one evening in 2012. CNV had access to more than two hundred documents found in his house. Malhães’ testimony contained detailed accounts of crimes committed by military officials during the dictatorship. He was killed in 2014 after an alleged armed robbery. His trove of documents was never found. After these deaths, it became common for former military officials who attended CNV hearings to remain silent throughout the proceedings.

Despite CNV efforts to unearth new information, the Armed Forces archives remain closed. In the absence of the materials held by the Armed Forces, the data compiled by CNV comes from documents and information previously collected by victims’ relatives, researchers and civil society organisations working in the field of human rights in Brazil. For this reason, historian Marcos Napolitano declared, “most of the history CNV wants to tell and retell is already available in history books and textbooks” (2015, 38).

The archives of the initiatives concerning the legacies of dictatorship are only the best possible archives in the absence of documents still held by the Armed Forces. The official archives are not yet disclosed, and their content cannot be accurately estimated. Researchers’ disappointment at the lack of political will to confront the Armed Forces on this issue is clear: “although there have been some efforts to open some files held by repressive authorities in Brazil, the record of openness has, on the whole, been dismal” (Cavallaro and Delgado 2012, 102).
4.3 The Re-Emplotment of History

The history of nations, of people, of groups is not a given fact but is constantly discursively constructed anew (...). Power comes visibly into play as soon the various narratives of the past are confronted with each other and elites select one of the competing narratives and naturalise it as the ‘past.’

- J.R. Martin and Ruth Wodak, *Re/reading the Past*

The narratives told within a society affect identity formation, remembering and how experiences are ordered. Scholar of human rights and transitional justice Richard Wilson has argued that legal arguments forge a narrative, concluding that “courts, especially when dealing with human rights violations perpetrated on a massive scale, cannot escape interpreting history” (2005, 918). Transitional Justice scholar Ruti Teitel also sees criminal trials as “a historical, ceremonial form of constructed memory making” (Teitel 2014, 105). National reports such as those produced by truth commissions are described as ‘transitional history-telling’: stories that “begin in a tragic mode (...) [and] switch to a non-tragic resolution” (Ibid, 106). They tend to offer symbolic “redemptive stories of return, of wholeness, of finding the way to political unity” (Ibid, 111): from the tragic past to a better present or future.

This *story effect* also occurs in initiatives concerning the legacies of dictatorship carried out by the Brazilian federal government, which cannot escape producing representations of the past. In fact, this is an essential aspect of these initiatives. Through their discursive practices (Foucault 1981), by constructing and transmitting interpretations of the Brazilian past that “locate all collective events in a cohesive unity that includes past, present and future” the initiatives promote an “ordering of history” (Berger and Luckmann 1967, 120).

Discourses about the past disseminated by state-sponsored initiatives are normally recognised as official discourses, as they are presented “through formal channels and institutions” (Bar-Tal 2013, 34). The Brazilian case is no different. The initiatives address the memory of the dictatorship and deal with its legacies, and in so doing they offer society a representation of the past bearing official imprimatur. Whether consciously or not, such initiatives produce a “reality effect,” a cultural schema in which the dealing with the legacies of the past are the basis upon which a more democratic future becomes
a possibility, “a happy ending of peace and reconciliation” (Ibid, 106). This is done in part by propagating and reinforcing a negative evaluation of the dictatorship.

Narrativisation gives events not only a certain structural and narrative pattern but also a unity of meaning and a sense. ‘Worldbuilding’ strategies (Herman 2009; Nünning 2010) take place in two different levels. The next section investigates the metanarrative giving historical meaning to these discourses; this section addresses the inscription of events in historical representations, the referentiality of historical discourse, its integrative function, and capacity to establish a relationship between selected elements to turn them into an orderly, comprehensible and meaningful whole—beginning to end structures with a middle.

History is a discourse that describes a series of past events that are contingent on one another, forming an intelligible sequence. Works of history provide an explanation about the past; it analyses and interprets the past to reach a narrative which “describes and explains at once” (Danto 1985, 141). Merely by presenting facts, initiatives dealing with the past would not be able to exceed the summary of its selected events and support the representations of the past contained in central findings. As scholar Suzanne Buckley-Zistel explains, “truth is the outcome of this process of narration (...) constructed by the narratives uttered in a truth commission” (2014, 147).

The process of emplotment is central to this task. It performs the configuring of the text in the act of telling, which is a unifying function, giving unity to dispersed events which become intelligible once placed within a plot. These structures differentiate narratives from chronicles (chronological listing of events). Emplotment stems “from description and events (...) the dynamic that interweaves them lends itself to a narrativisation that makes narrative a switching point between structure and event” (Ricoeur 2004, 246).

The stories by which a society develops its collective memory and defines its national identity are a choice from the vast number of events, creeds, movements, occurrences and lives lived before now. Human rights commissions and similar initiatives that ‘deal with’ the past are an effective way to influence that process. They attempt to

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126 The term ‘plot’ is used in reference to the narrative function of giving sense to its totality based on its ending. The same set of historical events can be told in a different key, be it as a romance, tragedy, irony/satire or comedy—the four basic generic plot types and modes of emplotment which can serve as a structure for historical representation (White 1975).
limit the choice of narratives that are transmitted by offering a space for victim’s narratives to be shared and disseminate their version by incorporating it into the official version of the past (Wilson 2001, 224).

The terminology used when discussing narration can generate confusion. For example, philosopher Richard Kearney states that “life is always on the way to narrative, but it does not arrive there until someone hears and tells this life as a story” (2002, 133). Despite talking about ‘plots’ and ‘stories,’ there is no suggestion that the narratives being discussed are fictional. Factual narration such as the ones produced by the Brazilian initiatives denotes historical developments recorded, described, and explained by narrative means. The legal contexts from which transitional justice emerged is based on the evaluation of “stories in view of their legal relevance” (Meuter 2009). The relationality of events, that is, the presentation of events as links in a chain has increasingly been analysed as an element in truth commissions and other outputs of initiatives concerning the legacies of dictatorship.127

The initiatives discussed in this dissertation share a concern about a conflict occurred in a particular time and place (the dictatorial period, Brazil). Very often, their aim in retelling stories about the past is to establish the veracity of their objects: to leave no doubt that the events they describe happened (this is especially true of official reports). Authors of these historical accounts offer evidence-based narratives. Their texts, documentaries or interviews are not trying to put together coherent, ‘big’ historical narratives—from a narratology perspective, they are dry as dust.

In the Brazilian case the narratives illustrate the fact that during the country’s most recent dictatorial regime, gross human rights violations were used as state policy inflicting severe suffering on Brazilians. The process of legitimation and consolidation of this perspective on the recent past is perceived as central in the initiatives concerning the legacies of dictatorship. It takes the form of creating spaces whereby the narrative of

suffering, pain, violence and death can become incorporated into the official version of the past.

The initiatives’ mandates are an important tool outlining their retelling of the past. All of them address the 1964-1985 regime and in particular human rights violations perpetrated in that period, albeit they each focus on slightly different aspects.128 CEMDP offers reparation to relatives of political persecuted citizens killed by the regime, the Amnesty Commission to citizens who were politically persecuted in their workplace—propagating their memory as a form of symbolic and moral reparation, Revealed Memories documents political persecutions and CNV investigated gross human rights violations.129 Common themes found in their narratives include the coup, political persecutions, the resistance, IA-5 and transition to democracy, which act as points of reference. The federal government’s initiatives often grant victims or their representatives an opportunity to narrate (in testimonial hearings, documentaries, publications, etc.) how persecutions and human rights violations committed on behalf of the state affected them. More than a linear narrative, they offer a collection of stories that resembles a collage or a mosaic. This means that the narrative they propagate is not simple to extract. It does not want to reveal itself.

The initiatives’ different sub-projects and publications can be understood as different types of narratives running alongside and melding into each order. However, although there may be variations in their selection, sequencing, emplotment and perspective, broadly speaking the crisscrossed narratives ultimately converge and twist into one, like threads that join with other threads to form a rope. The narrative archetype of a nation ‘overcoming an obstacle’ provides a schematic narrative template (Wertsch 2002) to the discourses of the initiatives concerning the legacies of dictatorship carried

128 Some of the initiatives (Amnesty Commission and CNV) have been designated a longer time span, 1946 to 1988, but their discourses tend to focus on the 1964-1985 period. CNV is a case in point, with only one of the cases included in the report occurring earlier than 1963 (Brazil, CNV 2014c, 30).

129 As noted Marcelo Torelly, each commission had a different level of presumption of veracity of the materials they collected; the Amnesty Commission presumed the veracity of the documents included in applications for amnesty (but verified independently if the applicant had suffered from political persecution); CEMDP had a partial presumption of veracity “depending on a more robust set of data to confirm whether someone was killed (...) due to their political activities”; CNV did not presume the veracity of documents and facts, “which enhanced the quality of the ‘truth’ it produced” (Torelly 2014, 226).
out by the Brazilian federal government. The obstacle is the harsh dictatorship, characterised by the violent repression of political dissent.

The narrative of Brazil’s dictatorial past the initiatives produce can be summarised as follows. The starting point is 1964 when the established order was disrupted by a military coup. The ensuing authoritarian regime imposed severe suffering on Brazilians who bravely struggled to get rid of the regime. Fundamentally, the initiatives share a transitional motif, the narrative ends in the transitional initiatives themselves, projects trying to improve Brazil and opening the possibility of a more tolerant and peaceful ‘time future.’

Among the texts produced by a Brazilian initiative, the narrative offered in CEMDP’s 2007 report might be the most recognisable as a work of history. This first official report on the use of disappearances by the dictatorship contains two parts. The first part provides the context to the commission and the regime. Salient themes include dictatorships in the Southern Cone, phases of the Brazilian military regime, the resistance, the period known as ‘decompression,’ the amnesty and the end of the regime. The report’s second part offers the biographies of individuals persecuted for political reasons and information the CEMDP has about their deaths. Each individual, their life and death, is a thread reinforcing the narrative that there was a difficult period, but Brazilians struggled and overcame it. Applications for amnesty lodged with the Amnesty Commission and victim testimonials to CNV tend to reinforce this interpretation.

The following excerpt is taken from a press release issued by CNV on the occasion of the 50 years since the 1964 coup:

Fifty years ago, a military coup decimated the constitutional government of President Joao Goulart. It has long ago established in the country an authoritarian regime that disrespected human rights; in which the social rights of many were ignored; in which opponents and dissidents were routinely persecuted with loss of political rights, arbitrary detention, arrest and exile; where torture, assassinations, enforced disappearances and physical elimination were systematically used against those who rebelled. (...) CNV wants to pay tribute to these victims and reaffirm their determination to help build an increasingly democratic and fair Brazil (...) fifty years later, Brazil is literally another country (Brazil, CNV 2014d).

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130 Narrative templates provide schematic frameworks as reference to different narratives. For a more detailed analysis of this archetype and other basic plots see Booker, C. The Seven Basic Plots: Why We Tell Stories (Continuum, 2005). Wertsch’s “schematic narrative templates” are “a toolkit that includes a few basic building blocks” (2014, 57) offering recurrent constants which identify groups of actors with character functions. A limited number of archetypes limit the range of possible narratives within a particular cultural tradition.

131 The initiatives’ transitional motif is discussed in Section 4.4 below.
In the text above, the 1964 military coup is presented as the starting point of a long process, characterised by the difficulties it imposed upon the country. Those who fought against those difficulties, described as “opponents and dissidents who rebelled,” receive a tribute from the truth commission. It is affirmed that their determination (which under the circumstances described could be understood as bravery) has helped build Brazilian democracy. Brazil is said to be “literally another country” because of its effort towards revisiting the past and redressing those who were misconstrued as enemies by the regime.

As Ricoeur emphasises, the work of conferring meaning to the past is completed at the compositional level. A connection is made between the events, a narrative weaves together events (in this case the coup, the repression, and CNV itself). This is done through what Margaret Somers identifies as the relationality of parts, which “suggests that a single event does not in itself contain meaning but that it only becomes intelligible when considered in relation to other events” (Somers cited in Buckley-Zistel 2014, 146). Closely connected to this is causal emplotment, the meaning-producing character of narratives. Events are ordered so as to produce meaning—and not on the basis of similarities or mere chronology.

This implies that whenever the past is committed to narrative form, a work of selective appropriation always necessarily occurs. The memory of the military dictatorship produced by transitional justice mechanisms adopted in Brazil was continuously reconfigured by each initiative. At different stages, different frameworks and terminology were adopted to identify the profiles of historical actors and events, but ultimately the meaning given to the past has been quite similar. The suffering of Brazilian society is essentially the violence against political opponents of the regime; “arbitrary detentions, torture, death, enforced disappearances and the concealment of human remains” (Brazil, CNV 2014a, 21)—that which the PNDH-3 refers to as “pain, violence and death” (Brazil 2009). Other elements about the past are excluded from the narrative under construction in the compositional level Ricoeur mentioned.

Non-political deaths and enforced disappearances are still excluded from the death toll associated with the military regime, which counts only the political dead and disappeared among the fatal victims of the regime. None of the initiatives mentions the ecological destruction of wildlife in 1981 to give way to the Itaipu Dam. Or the patients
who disappeared after entering mental hospitals such as the *Hospital Colônia de Barbacena* in the state of Minas Gerais.\(^{132}\) Common criminals, who were tortured and illegally executed before, during and after the regime (Macaulay 2010, 135). The potentially genocidal treatment of indigenous populations who lost an estimated 8,350 lives in their communities during the regime (Brazil, CNV 2014b, 205) and disregard for peasants (number of dead estimated at 1,196) are themes which only started to be discussed during the truth commission. Still, these occurrences are not part of the contents and information that conforms with the narrative being told by the initiatives.

The initiatives make the physical suffering of Brazilians who opposed the authoritarian regime central to the emplotment of the country’s reckoning with its recent past. The re-framing of the past carried out by the official initiatives thus offers a characterisation of the national past, reinterpreting the dictatorial period as a strictly negative past. That view is disseminated by the federal government’s initiatives, with the past described in their official publications as a “deplorable period of our republic” (Brazil, CEMDP 2007, 18), for example.

This is not to say the initiatives and its decision-makers speak with one voice. Top-level politicians have not always expressed that same level of condemnation of the military period—which might indicate conflicting visions at the heart of public discourses about the past. President da Silva is known for a lighter interpretation of the past. He often used dubious language and displayed a trivialising attitude towards the regime. In 2004, on the occasion of the 40th anniversary of the coup, da Silva declared that the event should be understood “as a finished historical episode” and that “it was up to historians to set the right memory for the events and characters of that period” (da Silva quoted in Bauer 2013, 18). In 2009 he told victims of torture that it had been “worth it” (da Silva 2009a) and gave an account of the past that contrasts with discourses produced by initiatives concerning the legacies of dictatorship:

> if you compare 1964 in Brazil with Argentina or Chile, you realise that in Brazil things were milder than in those countries, where things got bloody. Brazilian people are involved in negotiations. (...) Look at the youngsters who engaged in the

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\(^{132}\) Mental institutions operated for decades as ‘reservoirs of undesirables.’ Around 70% of patients did not have a record of mental health issues, but were LGBT, alcoholics, political activists, single mothers, beggars, blacks, poor people, indigenous, people without documents, etc. Sixty thousand people are estimated to have died in *Hospital Colônia de Barbacena* between 1930 and 1980, the highest death rate being between 1960 and 1970. See Arbex, D. *Holocausto Brasileiro - Vida, Genocídio e 60 Mil Mortes No Maior Hospício do Brasil* (Geração, 2013).
armed struggle in the 1970s. Those kids fought, lives were lost, mistakes were made, they got some things right, but when the amnesty came, there was no trauma. It was agreed that national peace was possible. Some disagree with that today, but they are a minority (da Silva 2009b, emphasis added).

Lula da Silva is often described as an apt politician. His declarations minimising the relevance of crimes committed during the regime, denying the traumatic character of torture and mitigating the brutality of the military—aspects of the dictatorship often emphasised by the government’s initiatives concerning the legacies of dictatorship—should be read in light of the political support he stood to gain from the security forces.

President Cardoso has also discussed the period in an attenuating, conciliatory and at times dismissive tone. Upon signing the measure that established the Amnesty Commission, he chose his words carefully so as to not distress the Armed Forces: “all democratic countries go through a more turbulent phase—which does not necessarily fit with the content of 1964, which was a broad process” (2002). The lack of political will and a bold attitude from those in power to demand that the military conforms to civilian rule is manifest in the Brazilian case. Both da Silva and Cardoso are said to have “avoided creating conflicts with the Armed Forces (...) which helped them retain power” (Soares 2016, 163).

President Rousseff proved different in this regard. Even before she reached the highest office of the Brazilian government, when Chief of Staff in da Silva’s cabinet, she already promoted the initiatives addressing the dictatorial past. She has always made her strong opposition to the regime and desire to provide reparation to victims known. She often uses stronger language against the regime than her predecessors, having described torture, which she experienced as a young guerrilla member, as “facts that stained our history” (2011) and the dictatorship period as a “painful and sad past” (2014).

Although she directed harsh words to the military regime, her discourse is characterised by an emphasis on reconciliation. Rousseff does not glorify the revolutionary Left and the armed guerrilla struggle. On the contrary, in time she softened her tone and as President either silenced about the issue on historic dates (such as the 50 years after 1964) or dismissed claims that the government was conducting a vendetta against the military. Time and again she guaranteed to the Armed Forces that no

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133 Cardoso also declared that the only reason a truth commission was not set up during his administration is “because there were no documents upon which to base the investigations” (quoted in Balza 2014).
prosecutions would be sought, only truth: “generations of Brazilians meet the truth (...) without vengeance but also without the complicity of silence” (2011). The promise was repeated when the CNV report was delivered: “truth does not mean vengeance (...) hatred or account settling” (2014). Coupled with a programme of reparations that does not question the legitimacy of the amnesty granted to perpetrators of human rights violations still during the military government, Rousseff’s views on the dictatorship align with an interpretation of the past as a historical episode that needs to be addressed, remembered, and overcome.

Divergences also exist among the initiatives and at times, even within the same project. CEMDP, for instance, refers to the regime as a “military” regime, characterised as an authoritarian regime of exception—it mentions (in inverted commas) “state terror” in its report (Brazil, CEMDP 2007). On its website, built more recently, though, it refers to a “civil-military” coup (cemdp.sdh.gov.br n.d.a)—reflecting updated interpretations of the events occurred in 1964. This type of divergence is more common across initiatives, where the source of contents itself can be different. For example, victims were heard by the Amnesty Commission (in Amnesty Caravan hearings) and CNV (testimonials), but not by CEMDP and Revealed Memories.

However, the similarities clearly outweigh the divergences. The historical background written by CNV commissioners starts in 1946, but the 1964 coup is deemed the starting point of the new “dictatorial regime which lasted from 1964 to 1985” (Brazil, CNV 2014a, 15). This timeline and terminology are also employed by other initiatives. Those opponents and dissidents who rebelled in the past and now receive tributes from CNV (as in the example above) have also been deemed honourable by CEMDP, Revealed Memories and the Amnesty Commission. The underlying idea is that those who fought the regime did something good and ought to receive positive recognition and privileged protagonism in the narrative of Brazil’s past.

The association of the opposition to the regime and pro-democracy struggle is not always obvious in discourses of the initiatives; its presentation can range from clear affirmations of the link to more discreet mentions of facts, merely suggesting the link.

\[134\] See section 5.2.2 below for examples from the Amnesty Commission.
The CEMDP report, for example, makes the association discreetly by claiming that “Law 9.140 represented the historical acknowledgement that they could not be considered terrorists or international agents (...). In fact, they died fighting as political opponents of a regime that had come about through the violation of the democratic constitutionality established in 1946” (Brazil, CEMDP 2007, 30). The message is that people (not terrorists) fought the military (who were not democrats). There is an overall implied meaning that people who fought the regime fought for democracy. CEMDP’s website presents that association between fighting the regime and fighting for democracy clearly, by superimposing images of the political dead and disappeared with the words “the construction of democracy in Brazil” (see Fig. 3 below).

The suggestion can be problematic when coupled with the inaccurate interpretation that victims who fought the regime did so in favour of democracy in the Western liberal model because it propels the memory of this particular group to the top of the hierarchy of victims—as if their victimhood were more ‘real’ and their past more meaningful than others (Teixeirense 2017, 98).

![Figure 3: CEMDP visual marketing – website banner](source: CEMDP website (cemdp.sdh.gov.br n.d.a). Translation: “The construction of democracy in Brazil has an identity.” Below: “Research and get to know it.”)
The CNV report supports claims about Brazil’s past, and the inclusion or not of bits and pieces of the past into the report are connected to these outcomes of the investigations. The selection of events considered to ‘belong’ in official reports (bearing the national seal on their cover) is already highly significant. In choosing and attaching various levels of importance to cases, aspects, events or individuals of the past, the commission bestows more relevance to events and a selection is made. The choice of treating politically motivated persecutions as more relevant than other killings also perpetrated by state officials or under their command places at a secondary role the fact that thousands of people were killed by the military regime. The official tally of victims of the regime continues to exclude large numbers of Brazilians.\textsuperscript{135}

The issues deemed worthy of inclusion in volume 1 of the CNV report belong to a category of facts that became normalised in international law over the second half of the 20\textsuperscript{th} century (what today is internationally known as ‘crimes against humanity’). The fact that CNV focuses on these issues shows that at some point in Brazil’s history, crimes of the past gained relevance to such an extent that a report was commissioned by the country’s political class. The report’s past-related findings are that: (1) gross human rights violations occurred; (2) the violations were a policy of the Brazilian state; and (3) crimes against humanity have occurred (Ibid, 962–64). A fourth finding relates to the continued occurrence of human rights violations in the present time (Ibid, 964).

The Amnesty Commission, Revealed Memories and CEMDP adopt the general term ‘armed struggle against the dictatorship’ when referring to political opponents of the regime. The CEMDP report in particular, is quite specific about the political affiliation of armed groups and offers a glossary of Brazilian leftist groups active in the 1960s. CNV It refrains from using that terminology, and it does not suggest that regime opponents fought for democracy. In its report guerrilla groups are referred by terms such as: ‘organisations identified with the left;’ ‘organisations in opposition to the regime’ and ‘organisations deemed subversive’ (Brazil, CNV 2014a).

However, the political affiliation of victims was deemed important enough by CNV commissioners to be included in volume 3 of the CNV report, which offers a biography of

\textsuperscript{135} This is in reference to the at least eight thousand indigenous people (Brazil, CNV 2014b, 205) and over one thousand peasants (Nascimento 2013) known to have lost their lives as a direct result of the action or inaction of the Armed Forces in the course of the country’s most recent military dictatorship.
fatal victims and a description of their deaths. Each section is dedicated to a documented individual case and starts with a heading containing basic information about the victim. Among those basic details is the heading “political organisation”—implying that they were necessarily members of a political organization. Unlike the CEMDP report, the CNV publication does not provide a separate section disclosing information on what each leftist group fought for; instead, a limited number of leftist groups and their ambitions is discussed in the chapter about the Araguaia Guerrilla (Ibid, 681).

The suggestion that the struggle against the dictatorship is the quintessential narrative of the truth commission report occurs almost subliminally. There are chapters in volume 1 of the CNV report dedicated to the historical context of the serious human rights violations, the state structures, organs and procedures of political repression. The report then turns to the participation of the Brazilian state in serious violations abroad (topics include the collaboration of official forces with the regime and crimes committed abroad); international connections: the repressive alliance in the Southern Cone and Operation Condor (transnational cooperation among Latin American regimes).

The central ‘thread’ provided by the historical injustices (i.e. human rights violations) requires establishing their occurrence, analysing their effect, the modus operandi of perpetrators, and seeking to understand the crimes committed. Such representations of the past as a string of human rights violations are characteristic of contemporary initiatives to deal with conflicting pasts (Jelin 1994, 48; Humphrey 2003, 172; Meister 2011, 34). In that sense, the report of the Brazilian truth commission is not unusual. Contemporary memorialisation policies have been described as “part of an institutionalized system of human rights regime (...) which forces states to adapt their memories to behaviours expected by the human rights standards” (David 2017, 317).

The official national history propagated by CNV performs the double duty of establishing that certain events occurred and determining what they mean for Brazilian society’s present and future prospects. The attitude expected of readers is of condemnation of violence and support to the political opposition who should have their ordeal acknowledged and reparations made. This is the moral argument underlying the

136 However, it is not true that all fatal victims were part of a political organisation. Even when individuals were not part of a political organisation, the header includes this section, followed by “not applicable.” For an example see Brazil, CNV 2014c, 529.
An example taken from volume 1 of the CNV report: “[Valdetar Antônio] Dorneles showed the marks on his fingers, arms and legs that endure to this day, almost 50 years after the torture. In addition to four years in prison, he suffered political persecution for a long time, and had his amnesty refused” (Brazil, CNV 2014a, 600). Every victim and every crime are to be recognised as wrong and that which should not happen again. Truth-finding has been described by truth commissioners as “constitutive of a fundamental duty towards social solidarity and the imperative of decency, which are called for by the dignity of our country” (Ibid, 21)—their objective is no less than postulating the red lines for Brazil’s present and for the country’s future.

The bulk of volume 1 of the report (pages 219 to 959) deals with the gross human rights violations, with detailed descriptions of the dynamics, methods and practices applied; locations, perpetrators and victims. There are case studies of arbitrary detentions; cases of enforced disappearances and concealment of human remains, torture and summary execution of political dissidents. One chapter also deals with sexual violence, gender violence and violence against children and teenagers. One section of the report is dedicated to ‘emblematic cases,’ described as cases that symbolise “the repression against certain groups, i.e. the military and peasants, and how violence materialised, i.e. cases of state terrorism against civil society” (Brazil, CNV 2014a, 596).

One such case is the Três Passos Guerrilla of 1965. Três Passos is a small town in the north of Rio Grande do Sul, close to the border with Argentina. A small guerrilla group formed in the town, friends who gathered since 1961 “to talk about politics (...) play football, organise dinners, listen to music” (Ibid, 597). In 1964 a series of events led Col. Cardim, who, stationed in Uruguay in early 1964 was keen to start a resistance movement—which led him to the Três Passos group. They invaded the local military compound and took weapons, ammunition and military uniforms. There was a shootout between the group and the military, and once they disbanded, the guerrillas were caught one by one. One member of the group was Valdetar Dorneles, mentioned above. He told CNV about the days of torture sessions, lynching and fake executions, after which the Armed Forces obtained extensive information about guerrilla cells active in Uruguay.

The report gives details of the torture imposed on the group, the physical and psychological effects those torture sessions have had and continue to have in these civilians who testified to CNV commissioners. The report also establishes connections
between events, locations and actors (who appear in other sections or in connection to other events), making it easy to follow different threads within the report. The description of the ‘Três Passos episode’ ends with a Col. Cardim quote explaining he was not aware of the wider picture of groups commanded by Brizola (a prominent Brazilian politician, former governor of the state of Rio Grande do Sul). And at this point, the report turns to another ‘case,’ “The Sargent with the Hands Tied Up (1966)” (Ibid, 601).

Historian Pedro Teixeirense noticed inaccuracies in CNV’s description of the Três Passos guerrilla and noted an underlying disposition to associate facts to the struggle against the regime upon reading Dornelles story. Dornelles was a member of the Três Passos group, and he requested an amnesty to the Amnesty Commission that contains a correction of his pre-1965 story to fit into the ‘usual narrative’ (i.e. one of action against the regime); according to Teixeirense, this was an “adequacy on the part of the petitioner to a narrative that is based on the movement against the regime” (2017, 184). Dornelles’ rebellious actions were at first related to Goulart, towards ensuring that he became President in 1961. In a second moment, it was a get together with friends to talk about politics. However, Dornelles’ reshaped past as presented to the Amnesty Commission of a past of struggle against the regime informed the CNV report’s interpretation of the 1965 guerrilla, wrongly placing the movement in the hegemonic framework of the “resistance” and struggle against the dictatorship.

It is important to mention that the CNV report produces three relevant shifts or deviations from the “anamnestic amnesty” (Greco 2014), a perspective present in the official initiatives dealing with the dictatorial past. One is to include the recommendation that officials involved in human rights violations are investigated, prosecuted and punished. The second is that names are named in the report, it includes among the responsible for the human rights violations the entire chain of command, all the way to the top of the executive power (the military presidents). This information is linked to the CNV finding that the crimes committed during the regime “were the result of generalised and systematic actions of the Brazilian state” (Brazil, CNV 2014a, 963). The third is that the truth commission recommends the prosecution of perpetrators (Ibid, 965).

Possibly the most significant example of CNV’s discretionary power to select and reinforce certain interpretations of the past is found in how it handled case findings, especially when its findings were not congruent with that of other truth-finding projects.
For example, the CNV report refrained from using the term ‘genocide’ to characterise the mass extermination of certain indigenous populations, even though the report acknowledges that in some cases the state was responsible for the deaths of up to 90% of certain indigenous groups. In one case, the Public Ministry of the state of Paraná declared the extermination of the Xetá population a genocide (Brazil, CNV 2014b, 223).

Another important divergence was the investigation of Juscelino Kubitscheck’s death (“JK”). The Brazilian President (1956-1961) died in 1976 under suspicious circumstances. This incident was investigated before CNV and again in parallel to it, by local truth commission “Vladimir Herzog” of the city of São Paulo. After a thorough analysis of the facts, in December 2013 the local truth commission published an interim report claiming that JK had been assassinated by the regime in a politically motivated crime. A preliminary report by CNV released in April 2014 disregarded that analysis and affirmed that JK’s death was caused by a car accident. No reference was made to the Herzog Commission’s findings and investigations.

CNV claims there is not enough evidence to support the homicide thesis, and a forensic study was commissioned especially for this. It states: “there is no justification to continue claiming that there was a criminal attempt against JK’s life. Although it would be wrong to affirm that the regime did not wish to kill JK, (...) based on the facts and existing evidence, it did not execute him” (quoted in Brazil, CNV 2014a, 75).

Local commission representative Mário Covas Neto declared that “it seems that there is still a bias of a political nature for CNV to declare something other than what we have found” (quoted in Domingos 2015, emphasis added). The “Rubens Paiva” São Paulo state truth commission sided with the Herzog Commission, and claims “the investigation on the JK case by CNV is of low technical quality because of what it ignores and what it arbitrarily chose to analyse and conclude” (Ribeiro 2014).

What is remarkable is the fact that, despite the plurality of interpretations in circulation at the time of its publication, the CNV report is unequivocal on JK’s death. This case is particularly relevant because CNV is the national truth commission. It bears the national seal on its cover and its findings carry more weight than other materials.

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137 Two criminal investigations were conducted, 2.629/1977 and 273/1996. A third investigation was established by parliamentarians and carried out in 2000. See Abreu, C.R. (2016). ‘A disputa entre as Comissões da Verdade pela versão final sobre a morte de JK.’ C&S 38/2, 323-345.
The assassination of a former President by the regime would certainly be considered a serious offence and could lead to further investigations. It was a choice of CNV commissioners to accept Gonçalves’ study and ascertain that JK died in an accident, dismissing the local commission’s findings. But CNV’s assertiveness and disregard for the Herzog Commission’s findings (not even mentioned by CNV) close the debate: “there is no material element to suggest that former President Juscelino Kubitschek and driver Geraldo Ribeiro were (...) victims of a homicide” (CNV 2014a, 75).

The need to address the past is dominant in discourses of the government’s initiatives concerning the legacies of dictatorship. Each of the government’s initiatives discussed in this dissertation has sought to inform Brazilians of crimes committed by regime officials during the dictatorship need to be disclosed and memorialised for future reference. For example, truth commissioners affirmed that truth, memory and national reconciliation were considered the “guiding lights” of their work (Dias et al. 2014). In the opening section of the CEMDP report, Minister Vannuchi and CEMDP president Marco Antônio Rodrigues Barbosa state that “the spirit of vengeance or nostalgia for the past will not seduce the national spirit, silence and omission will not act as barriers for overcoming a past no-one wants to return” (Brazil, CEMDP 2007, 8).

There is potential for the initiatives’ representations of the past to have a long-term impact. The official initiatives we have been discussing can “maximise their reach” (Comissão de Anistia 2012) and present their findings and understanding of the past to a substantial number of citizens by tapping into federal government’s channels of information dissemination. The initiatives and their officials are in a position to influence legislation and guidelines affecting museums and places of memory (such as Amnesty Memorial), archives (such as Revealed Memories) and the national curriculum. For example, their views on how the past ought to be remembered may inform the history that future generations are taught in school through the publication of books and other

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138 As an example of the immense capability of the state to propagate information, President da Silva mentioned in a report to Congress a ‘small’ initiative, a photographic exhibition entitled A Ditadura no Brasil (“The Dictatorship in Brazil”), “seen by more than 2.5 million citizens in 50 Brazilian cities” (da Silva 2010c, 204).

139 In recent years, the national curriculum has been reformulated in Brazil. Analysis of overlaps between the Brazilian initiatives concerning the legacies of dictatorship and debates around the new curriculum for history is yet to be published. However, one commentator observes that the history the new curriculum focuses on is characterised by “traumatic events or painful pasts that still represent an open wound in the present” (Moreno 2016, 24).
materials (some of them organised by third parties). Some of the documentaries, recordings of testimonies of citizens who lived through the dictatorial regime and films of events organised by the initiatives were sent to state school libraries.

It should be said, however, that the continuation of this process is not a given. Incoming administrations will be able to alter the perspective being presented, tweak the initiatives and their budgets or even halt the process of dealing with the memory of the Brazilian dictatorial past—which is evidence that dealing with the past is never a finished project. In recent years, the rise of right-wing populism and limitations on transitional justice measures imposed by successive administrations have put into question the long-held understanding shared by so many scholars that the battle of memory had been won by the left.

Shortly after taking office, President Michel Temer (2016-2018) changed seven of the twenty-two members of the Amnesty Commission’s decision-making board (eventually twenty were replaced over the course of the years he was in office). The new members were not part of human rights organisations or committed to a human rights agenda.

The new direction became even more pronounced during President Jair Bolsonaro’s administration. His staunch support for the military regime has led to several episodes involving reversal in the official discourses in relation to the memory of the post-1964 regime in the first few months following the start of his presidency. Military officials have returned to the federal government in numbers last seen in 1985; the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition was officially informed by the Brazilian Ministry of Foreign Affairs that there was no coup in Brazil in 1964 and that the military regime was needed to deal with a communist threat (O Antagonista 2019); the Amnesty Commission is going through an audit (Barbiéri 2019) and CEMDP is under budgetary constraints (Estadão 2019). Discussing the post-1964 regime in a TV show, President Bolsonaro affirmed that the regime had ‘never had a repressive state policy as it is portrayed’—underrating the serious charges of state-sponsored violence and widespread criminality among the regime’s security forces by CNV and other transitional justice mechanisms (Brasil Urgente 2019; Haddad 2019). Bolsonaro also ordered that the Armed Forces celebrate the coup, on the occasion of 55 years of their coming to power (Monteiro 2019). The
developments confirm that memory is a constantly evolving process, and that “the file of memory (...) can always be reopened and reconstructed with new acts of remembering” (Assmann and Shortt 2012, 3).

It will be interesting to see how this situation evolves, and if society responds to this, as the initiatives carried out between 1995 and 2016 clearly attempted to leave a mark on Brazilian cultural memory. The text of the PNDH-3 legislation provides an early description of the intergenerational perspective, which is a recurring theme in the Brazilian initiatives:

> unless it is transmitted from one generation to the next, history is forgotten and silenced. The silencing and forgetting of barbaric acts turn into gaps in the collective experience, which is the foundation of national identity. By rescuing memory and truth, the country becomes more aware of its own identity, and democracy is strengthened (Brazil 2009).

CNV reflects that concern for informing citizens about their country’s past. On its first paragraphs, the report states: “the actions of CNV aimed at strengthening democratic institutions, and sought to benefit, first of all, the whole society, including 82 million Brazilians who were born under the democratic regime” (Brazil, CNV 2014a, 21). Elsewhere, truth commissioners explained that number: “more than 80% of Brazilians were born after the 1964 coup and 40% (80 million) were born after the end of the dictatorship in 1985 – [which] led CNV to devote special attention to the right to memory, one of its legal aims” (Dias et al. 2014).

More so than any of the other initiatives, the Amnesty Commission has carved for itself a position as an educational initiative. The following excerpt from Amnesty Memorial’s website emphasises this: “Amnesty Commission publications (...) foment human rights education in relation to historical memory. We hope these books reach school classrooms so that the future generations can debate the justice and the meaning of the amnesty of those who fought in the name of the people” (memorialanistia.org.br 2018). As will become clear below, the discourse disseminated by the Amnesty Commission has not focused on the amnestied (i.e. victims of political persecution at their place of work), but rather on the memory of human rights violations and political repression.

Some of the policies developed and implemented by the Amnesty Commission between 2007 and 2010 give an indication of the goal of disseminating the official
discourse among Brazilians and generating long-term awareness about the past, “especially the young” (Comissão de Anistia 2010, 10). Booklets, articles and outreach campaigns (Ibid, 20) were developed and distributed to young Brazilians. An example is the 2007 publication Caderno das Liberdades Democráticas: Levante esta Bandeira, described as follows:

> with the aim of promoting the history of the Brazilian repressive period and encouraging the knowledge, in a language accessible and close to the young (...) the material presents the history of militants in the resistance against the dictatorship such as Ziraldo, Frei Tito, Criméia Alice de Almeida, Carlos Lamarca, Carlos Marighella and Honestino Guimarães (...) distributed in schools, seminars and other events (Ibid, 20).  

Other actions by the Amnesty Commission to educate Brazilians about the past include Amnesty Caravans (discussed in Chapter 3), cultural events (“Cultural Amnesties”) and courses and workshops for educators and Amnesty Commission staff.  

Cultural Amnesties were debates, held in different cities “on relevant dates for the re-democratisation of the country or other historical facts that represented the deepening of dictatorial repression” (Ibid, 17).

A clear example of a direct attempt of actors within state institutions to educate young Brazilian citizens who did not live through the dictatorship period is found in Revealed Memories (see Fig. 4 below). The image is part of the campaign that asked citizens for information and documents about the dictatorial period. It is clearly directed at young Brazilian citizens. The sentence in the middle of the image, written in large white font over a dark background, reads: “Get to know the Brazil that you, young one, fortunately, did not experience” (National Archives, n.d.). The text at the bottom left informs that the image shows the repression of a student protest held in Rio de Janeiro in 1969. Other posters from the same campaign carried the phrases: “Get to know a Brazil in which democracy was a dream and dreaming was forbidden;” and “Political liberty does not fall from the sky” (Idem). The idea of liberty is a recurring trope in the initiatives, often associated with the opposition to the regime.

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140 Published by the Amnesty Commission’s Traces of Memory project, the material carries a disclaimer which affirms that it does not necessarily represent the opinion of the federal government (all publications edited through the Traces of Memory project carry this disclaimer).

141 Early on, the Amnesty Commission staff were considered “unaware of Transitional Justice processes” and “in need of training” (Comissão de Anistia 2010, 16).
Figure 4: Revealed Memories visual marketing – printed advert

Source: Revealed Memories website (National Archives, n.d.).

Revealed Memories has the ambition to educate Brazilians about “historically relevant facts for the reunion of the country with its recent history” (National Archives 2015, 22). In the project, the past is memorialised as a period of repression, less liberty and more fear. Brazilians are memorialised as a brave people, who struggled to obtain the civil rights and liberties they currently experience. The text on the left-hand side of the image above gives an idea of the vision of the narrative of the dictatorship that Revealed Memories helps consolidate:

To vote for president, express your opinion without fear, express political positions against the government, freely enter and leave the country. What seems so simple and natural today has marked a generation that has suffered from repression in the not-so-distant past. Knowing the struggle of the Brazilian people to recover democracy is the best way to prevent mistakes from being repeated in future (Idem).

This is a description of the dictatorship period, marked by all the prohibitions of the repression, which Brazilians fought against (and won). That is at least part of the message the initiatives pass on—the metaphor of an intergenerational reunion, in which an interpretation of the past is passed on to future generations has been widely employed. When promulgating the law that established CNV, President Rousseff claimed that on that day “generations of Brazilians gather[ed] around the truth. The whole of Brazil reunites,
at last, with itself, neither in pursuit of revenge nor in the complicity of silence” (2011).
The metaphor was employed again during the ceremony in which the CNV report was made public (held on International Human Rights Day, 10 December 2014): being born after the end of the last dictatorial regime, most of the Brazilian population did not have access to historical truth. It is above all for these generations and future generations that the National Truth Commission renders the invaluable service of historical truth (...) all Brazilians will have easy access, through the internet, to this report and relevant information about everything that happened in that period (Rousseff 2014a, emphasis added).

Rousseff’s declaration illustrates the concern to deliver a report that belongs to all Brazilians, not only those who experienced the events it describes. According to the president, all Brazilians now can click and access the dictatorial past: “everything that happened.” The hyperbole expresses the important aspect of the official discourse about the regime discussed above, its pretension to tell all, to be a comprehensive account of the recent national past. The initiatives concerning the legacies of dictatorship tend to offer a representation of the past that simplifies and homogenises the past—a past that cannot possibly be described ‘in full’ in the CNV report. Its content, the Revealed Memories website, the publications of the Amnesty Commission, in sum, the discourses of the initiatives is presented as all that is relevant about the dictatorship years. Citizens do not need to look any further, ‘their past,’ and how they should think, feel and behave about it is already explained. 142

At points, the initiatives mistake the need to inform the population and make the initiatives accessible to the population for informing society of all it needs to know about the past. The Amnesty Commission claims it “establishes itself as the space in which Brazil meets its past once again and the common sense of amnesty as forgetting is subverted (…) the memorialisation projects and actions for non-repetition have the clear objective of allowing the whole society to know, understand and, thus, repudiate the errors” (Comissão de Anistia do Ministério da Justiça 2011, 9). CEMDP’s website for example, talks about the “truth and memory of dictatorship in Brazil” being under construction, or unearthing information about “places of memory related to the Brazilian dictatorship” when the places shown are related only to deaths and enforced disappearances of regime opponents occurred during the post-1964 regime (cemdp.sdh.gov.br n.d.b). Although this

142 A similar point is made by Oteíza in her analysis of the Chilean case (2009).
might seem a marginal point, it gains relevance if seen from the perspective that the initiatives have the ambition to inform the wider population about the past.

Figure 5: CNV visual marketing – website banner
Source: CNV profile on social media (Facebook).
Translation: “The past cannot be modified, but to get to know it may change our future.” Below: “National Truth Commission. For our history to be complete. For real.”

Figure 6: CNV visual marketing – printed advert
Source: http://www.secom.gov.br/
Printed advert published in important newspapers of seven Brazilian states, RJ/SP/MG/RS/BA/PE/PA on 24/03/2013.
Translation: “The past cannot be modified, but to get to know it may change our future.” Below (in small writing): “There was a time when divergence was forbidden in Brazil. For this reason, human rights were violated. CNV is working to find the pieces and make clear what happened between 1946 and 1988. If you have information or documents related to this period, please contribute.” In bold: “National Truth Commission. For our history to be complete. For real.” Bottom line, in green: “March 24th. International Day for the Right to Truth.”

In CNV, the idea of completude manifested itself in a visual marketing campaign composed of an ad for television, newspaper and magazine adverts and Internet banners designed to promote the activities of the truth commission. Created by the advertising agency Nova/SB at the request of SECOM (social communication office of the Presidency
of the Republic), its central concept was the “completeness of history” that will be obtained by CNV. This is indicated by the tagline “So our history is complete” (see Figs. 5 and 6 above). The campaign’s objective was to inform Brazilians that CNV was collecting information about the nation’s past and that anyone could contribute by providing information and documents.

The image of a jigsaw puzzle (Fig. 6 above) is interesting; it is an apt representation for a project looking for objective truth of the past—something one would struggle to find a living historian shouting about. This idea can be highly misleading if truth commissioners hold the view that they are presenting the definitive history of the Brazilian dictatorship and that no norms and values are applied in their representation of the past, only neutral facts.

Figure 7 (below) shows the image being put together in the jigsaw puzzle above (Fig. 6)—men and women walk in the same direction across the canvas, holding hands. It could be read as a representation of a harmonious Brazilian society. Seen this way, the fact that there are missing pieces suggests that in the process of finding the missing pieces of the jigsaw puzzle of the past, society itself is coming together. It also suggests that Brazil is not there yet, it is not yet a reconciled country. In the complete image (Fig. 7), it is visible that the citizens are carrying the Brazilian flag. In the published ad (Fig. 6), a piece of the jigsaw is missing right on the flag, making it all but recognisable. In the video advert (see Fig. 8 below), that piece is found.

143 ‘The truth’ or even ‘the Truth’ (with a capital t) about the past is associated with an antiquated understanding of history and the work of historians, beliefs held in the early days of the profession, but extremely influential until recently. The fact that now there are ‘Truth Commissions’ is testament to that. The ideal of historical objectivity has been shaken by narrativism; some theorists to have explored this conundrum are collected in Jenkins, K. The Postmodern History Reader (Routledge, 1997). For a history of historical objectivity, see Novick, P. That noble dream: The ‘objectivity question’ and the American historical profession (Cambridge UP, 1988); and for a defence of objectivity in historiography, see Appleby, J., Hunt, L. and Jacob, M. Telling the truth about history (WW Norton & Co., 2011).
The ad concludes with the following image: the flag is completed just as the narrator says, “so our history is complete.” This image can be read as a pictorial representation of CNV as a project designed specifically to affect Brazilian society’s historical culture. The country becomes whole by finding the missing pieces and learning about the human rights abuses of the past. It completes itself by completing the jigsaw puzzle.

Behan McCullagh (2004) offers a helpful distinction that can be used to classify interpretations of the past passed on by the Brazilian initiatives concerning the legacies of dictatorship: partial and comprehensive interpretations of historical events. He uses the term ‘partial’ in reference to interpretations of the past “designed to point out patterns of interest in the past” (Ibid, 19) as opposed to “comprehensive” interpretations that pretend to offer a grand picture of the past.
The commissions followed a mandate; members of the commissions did not study whatever interests they had about the Brazilian past. They followed legislation that imposed limits to the scope of their work (be it investigating the past or issuing reparations). Their analyses were not concerned with the sequence of events that has come to be referred to as ‘the Brazilian (post-1964) military regime’ per se. The interpretations put forward by the initiatives are best characterised as partial, as opposed to comprehensive accounts because their legal objectives as stated in the initiatives’ mandates makes clear reference to the patterns of interest in the past their work was to point out—human rights violations imputed upon Brazilian citizens by agents acting on behalf of the Brazilian state.

The aim of these commissions was never to offer a comprehensive representation of the past—or even the ‘dictatorial past.’ The above examples of publicly circulating texts by the governmental commissions suggest that there was not enough clarity in the distinction between the past addressed by the initiatives and the past Brazilians need to be aware of. It goes without saying that Brazilians need to be made aware of human rights violations—however, many other elements in the past are required to inform a reflexive attitude that sits at the core of working through a difficult past. For example society’s passive consent to the post-1964 regime, its social, economic and political legacies and the pervasive afterlives of authoritarianism; if the goal in formulating, promoting and propagating discourses about the past is to produce robust democratic structures, more comprehensive policy of education for citizenship is required. Enlightened, informed and engaged citizens are less likely to be passive or easily manipulated participants of political events.144

The initiatives concerning the legacies of dictatorship seem to depict good part, if not the whole, of what is discussed and officially memorialised about the Brazilian national past from the 1960s to the 1980s, and it is not clear from the outset that their aim is not to offer a comprehensive interpretation of Brazil’s past. Their wide visibility, official status and the fact that representatives of the initiatives have stated their aim to influence publicly circulating discourses and propagate to the wider society and coming

144 Peter Marcuse uses an interesting term in his discussion of German collaboration with the Gestapo and the Stasi, ‘Untertanen,’ which would translate as subjects, such as of a monarch (Marcuse 1992). Although the Brazilian case bears little resemblance to the German past, some of the points he raises can be directed to the context of Brazil’s dealing with authoritarianism.
generation. Anyone engaging with the initiatives’ representations of the past can be misled into thinking that a comprehensive account that offers a grand picture of the sequence of events that we have come to refer to as the Brazilian (post-1964) military regime is on offer, when in fact they only provide a partial reading of the national past.\textsuperscript{145}

The oversight is that the initiatives’ retelling of the past is, in fact, a rather particular one, as established by each of the projects’ mandates. Revealed Memories’ website is a case in point. It has been established as an educational tool directed at those interested in learning about the past: “historically relevant facts for the reunion of the country with its recent history” (National Archives 2015, 22). However, the information and materials (such as videos and documents) are presented under themes such as “the political disappeared,” “Institutional Act n. 5,” “the exiled” and “censorship during the regime” (National Archives, n.d.)—explanatory categories related to the specific past transmitted by the initiative. To put it in Barthesian terms (1977, 117), these units are articulated and integrated; the meaning they obtain is that those who fought against the regime directly suffered the effects of the repression—this again exemplifies those who were physically victimised by the regime becoming the predominant representation of the period.

As discussed in Chapter 2, many Brazilians did not question the fact that they could not vote for president. Especially in the pre-television radio days, the vast majority may never have even thought about going to another country. A young member of the slave descendant community (quilombola) wrote about her mother’s experience during the regime: “my mom lived through the dictatorship (in the seventies) watching her bosses and their kids disappear or leave the country without understanding very well what was going on” (Lopes 2013, 222). Anthropologist Desirée de Lemos Azevedo has reported on a chance encounter she has had with the relative of a victim. The woman reported that her cousin, Virgílio, became engaged in politics and as a result, left home one day and never returned. Although he disappeared and had been a political activist, she did not classify his case as a ‘political disappearance.’ Azevedo concludes that the woman was “unable to relate the hegemonic memories to [her] own experiences of violence during the period and/or to recognize [her] experiences as fitting into those narratives” (2018, 4).

\textsuperscript{145} Historian Marcos Napolitano has written that the activities of the CNV “worked to prepare the Brazilian state’s official report on the period of the military regime” (2018, emphasis added).
Truth commissioner Maria Rita Kehl has acknowledged that during the regime she was among those unaware of political developments herself. As part of a family that saw the benefits of the regime’s ‘economic miracle,’ she did not ask any questions (Kehl 2014). Research on the memory of the military regime in Rio de Janeiro showed that many Brazilians (especially elderly citizens with low levels of education) have a positive view of the dictatorship, associating the period to the 1970 World Cup victory and to large infrastructure works (de Sá et al 2009a; see also de Sá et al 2009b). It is important to acknowledge that the federal government initiatives focus on a specific aspect of the past, human rights violations. They address part of the past, not the whole past. The dictatorial past in the categories used to describe Brazil’s past by the federal initiatives concerning the legacies of dictatorship may well be something beyond most Brazilian citizens’ personal experience of the past, and possibly something they struggle to relate to.

Amnesty Commission representatives deny that their work constructs a representation of the past. In their view, they merely restructure and propagate pre-existing representations, memories and interpretations of the past. The term they use to describe this aspect of the Amnesty Commission is “memorial springboard” (Abrão and Torelly 2011a, 30). The idea is further elaborated in the following excerpt:

the constant access to the documents, the registration of the testimonies of the victims of political persecution and the public debates on the matter have led to a new reflection about this period. This process has been one of the most effective in reversing the implications of the dictatorship and also clearly exposes the practice of arbitrary acts, enabling society to restructure its own historical memory—and not rewrite history, as some would like (Abrão and Torelly 2011b, 484–85).

Besides defending the view that Amnesty Commission does not rewrite history, Abrão and Torelly introduce the concept of a plural memory, constructed bottom-up with the support of Amnesty Commission, which they say merely enables society to restructure its own historical memory. The authors are referring to the Marks of Memory project, designed to fund mnemonic initiatives designed and carried out by organisations or individuals from civil society. The project proposes to promote plurality and break with a typically dictatorial view of culture as a monolith.

According to Justice Minister José Eduardo Cardozo and Abrão, “it wouldn’t be productive for the state to monopolise the means of production of historical memory (...). Society must formulate its own narratives, as the contrary would lead us to the (...) “single
history” dilemma, without plurality or perspective, that Michel Foucault warned against” (Cardozo and Abrão 2012, 16). They are drawing from a 1977 interview entitled ‘Truth and Power,’ in which the French thinker synthesises his concept of ‘regimes of truth’:

‘truth’ is to be understood as a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements; ‘Truth’ is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induces and which extend it. A ‘regime’ of truth (Foucault 1980, 133).

There are two ways to understand the monopoly of the means of production of historical memory. One is to frame it as the production of truth, which is how Cardozo and Abrão frame the issue. A second possible reading is to view it as the production of regimes of truth. In the latter, the effort to raise other voices can be understood as an attempt to avert a top-down, ‘ready-made memory’ (Cruz 2016a) in which those in power write and propagate a memory as the national memory.146 In order to engage with the various historical cultures that exist in society and build ownership into memory-building initiatives, it is necessary to acknowledge, understand and integrate existing viewpoints and take into account the needs, views and attitudes of different groups at all stages. That is to say, other ways of viewing the past exist, developed through other experiences, perceptions and relations with the past—other regimes of truth.

On the surface, the Marks of Memory project was an attempt to promote the plurality of narratives told and historical representations in circulation in the public space, ensuring what has been described as “public engagement with diverse others” (Muldoon 2003, 194). However, the opposite turns out to be true—it focuses exclusively on one type of memory, on a particular memory strata. As the Amnesty Commission’s 2014 annual report indicates, the project acted on a rather limited understanding of the plurality of memory: “the Marks of Memory project aims to give visibility to the memory of the victims who were silenced during the dictatorial period” (Brazil, Justice Ministry 2016b, 26, emphasis added). To use more Foucauldian language, it could be said that,

146 Manuel Cruz employs the term ‘ready-made memory’ to stress the fact that often members of the public do not have a role in the production of the memory that is propagated within society: “with all the returning to the past we are bombarded from all sides, there is hardly room for individuals to remember for themselves” (2016a, 89). In Ser sin Tempo he adds: “there is no point to keep on talking about making memory, but rather we should say that it is made for us, or even better, that it comes ready-made” (2016b, 121). See also Kalela, J. Making History: The Historian and Uses of the Past (Palgrave, 2011), 146.
whether unwittingly or by design, the *Marks of Memory* project promotes not so much a specific truth about the past, but much more fundamentally, a specific *regime of truth*, characterised by the understanding that victims testimonies are essential for the reconstruction of history, occupying the space of analysis (Annette Wieviorka quoted in Sarlo 2005, 70; see also Jelin 2014).

CNV also claims that it does not make memory. The report’s opening statement affirms that “approximations of analytic character were avoided” as the report presents a “description of the facts” (Brazil, CNV 2014a, 15). Commissioners were “convinced that the presentation of factual reality in itself, in all its rawness, is an important instrument for the realisation of the right to memory and historical truth” (Ibid, 15).

As discussed previously, Pedro Dallari used similar terms to affirm that the CNV report reproduces a ‘plain’ narrative of ‘what happened’ without analysis or interpretation of the facts. In his view, the report is not a work of history, on the contrary, it avoided ‘the pitfalls’ of historical interpretation. It is a ‘lean’ publication containing ‘no flab’, only ‘raw’ (unedited) facts—an account of (past) events without analysis or interpretation (quoted in de Hollanda 2015). There is a ring of positivism in his declaration, echoing Ranke’s claim that history shows what happened (*wie es eigentlich gewesen*).

Contrary to claims of agents of the Brazilian federal government’s initiatives concerning the legacies of dictatorship, the texts they produced construct historical representations which are then propagated in their discourses about the dictatorial past. Despite not writing history books, the initiatives address and reinterpret the past. In transmitting the meaning of the past—what they make of it—, they act to (re)shape public consciousness about the past. In the Brazilian initiatives, the official discourse condemns the dictatorial past, denouncing and objecting acts of violence carried out by members of the regime’s security services against dissidents.

The CNV report was the culmination of the process of rewriting, ‘recontextualising’ (Heer and Wodak 2008, 11) and ‘re-emplotting’ (Wertsch 2014, 52) the national past carried out by the federal government through the initiatives concerning the legacies of dictatorship. In this sense, it is an authoritative historical work that sets out the content that should be included in an official account of Brazil’s dictatorial period (and what is to be left out). The report states that there are more investigations to be made; i.e. further
events related to human rights violations perpetrated during the military dictatorship to be disclosed.

What truth commissioners fail to acknowledge is that the very presentation of facts is replete with symbolism. The act of selecting the facts and putting them in an official report—in a certain sequence, using certain terms (and not others) and making certain relations between events (and not others)—the CNV commissioners present a discourse and cannot help but confer meaning to Brazil’s recent past. Helping establish the facts of the past—who did what, where, why and when—CNV offers a narrative arrangement to the collected events and selected material. As Tzvetan Todorov put it, “the facts of the past do not come raw; they always reach us as part of a story” (2003, 142). In this case, as declared in the report’s opening statement, the past is defined as “the gross human rights violations of the investigated period, with special attention to the dictatorial regime that lasted from 1964 to 1985” (Brazil, CNV 2014a, 15).

Our findings confirm transitional justice scholar Eric Wiebelhaus-Brahm’s statement that “truth commissions write history” (2018, 601). According to the author, the scope, emphasis and breadth of the history they write is shaped by the staff working in the project, the mandate and “the political circumstances in which the commission operates” (Ibid, 601). A truth commission’s report represents the culmination of all the above factors, and “is typically the main means through which TCs shape history in the long-run” (Ibid, 611). Therefore, it is a document that requires a delicate balance between the past, the present and the future of society.

Narrative emplotment understood as the “construction of an understandable coherence” (Bal 2013, 88), influences the public reception of historical narratives. It formulates the range of an audience’s “emotional relation to the past, present and future, different feelings and levels of coherence of the subject with which the audience is invited to identify” (Forchtner 2017, 18). This function has been openly described by Richard Wilson as a “post-authoritarian government’s nation-building project” by which nations “selectively filter the past to invent a new official history and to construct a new vision of the nation” (2005, 919).

The attempt to (re)shape public consciousness by providing a framework for the nation’s understanding of its past has been understood in terms of a “creative imagining of the past in the service of the present and an imagined future” (Misztal 2003), a
“reframing of the narrative” (Somers 1994), “re-classifying the past” (Dudai 2017), “reshaping collective memory of past atrocities” (Osiel 2012), and a “re-signification of the history of the country” (Genro 2009). Such endeavours to reframe and retell the past should not be considered in separation of the consumption of those narratives, which is the level at which narratives can make or break myths, and in so doing transform a society’s perception of itself and its past through the capacity to “build a certain type of collective identity” (Groppo 2002, 192).

4.4 Revisiting the institutional grand narrative

Transitional justice scholars and practitioners, politicians and other professionals dealing with cultural memory tend to view their work as a reversal of suffering; a “break with the past.”\(^{147}\) Ruti Teitel classifies these types of initiatives as “rituals of collective history-making” that “create a ‘before’ and an ‘after’” (2000, 116). Human rights discourse offers a standardised metahistorical point of observation, a teleology that presents human history as a constant progression of liberation from imprisonment (David 2017). It carries a pre-defined interpretative key of human triumph over evil (Dorfman 2014), giving a particular character to transitional justice projects. According to Teitel, “the structure of transitional histories follows a redemptive form, a tale of hope” (2000, 116) that transforms a tragedy into a romantic narrative (2014, 106).

The process of construction of a new perspective on the national past is connected to metanarratives (métarécits), discussed in François Lyotard’s classic The Postmodern Condition (1979). Metanarratives are narratives about historical meaning, which mark the direction of travel of a society or culture. By definition, they must indicate an anticipated completion of a master idea. In the Brazilian state-led initiatives concerning the legacies of dictatorship, a narrative featuring the overcoming of authoritarianism reproduces the

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\(^{147}\) Jon Elster famously analysed how societies “close their open accounts from the past after regime transitions” in his Closing the Books (2004, IX). Teitel has described the period of “construction of history in periods of political transformation” as one that “is predicated on drawing a line of discontinuity” (2000, 70).
structure that Hayden White classifies as a “romantic plot” (1975, 8—9). It emphasises the new beginning following from the overcoming of difficulties; a victory of good over evil.

In this mythical retelling of the dictatorial past, Brazilians are cast as a brave people on a positive path of transformation, all the way from a long gone violent, undemocratic and destructive past to a peaceful, democratic, human rights-affirming future which will be accomplished once the initiatives are successful. There was a period of adversity, in which the military and regime dissidents fought one another meanwhile civil society bravely resisted and eventually joined forces to overcome authoritarianism. Once the dictatorship—often described as ‘years of lead’ or as a period of ‘darkness’—was defeated, the construction of a democratic nation in which everyone gets along was resumed. The initiatives concerning the legacies of dictatorship are themselves a part of the story, the final step in the country’s transformation.

The narrative arc proposed by the Brazilian initiatives concerning the legacies of dictatorship is marked by the goal of reconciliation, which has been referred by Teitel as transitional justice’s happy ending (2014). As discussed previously (section 3.5 above), the Brazilian government abandoned the ‘reconciliation as forgetting’ enshrined in the 1979 Amnesty Law and in its first attempts to deal with the past sought to reconcile individuals affected by political deaths and disappearances with the state. Following this, the discourses of the Brazilian initiatives sought institutional reconciliation, which confers a sense of cohesion to society. This type of reconciliation presents the societal change to the population and the wider world through an account of Brazil, its past, and the future it wants to convey.

The extent to which the Brazilian initiatives adhere to human rights discourse is a point that requires further discussion. If on the one hand it is evidenced by the past being represented as a succession of atrocities—of which Brazil’s focus on ‘pain, violence and death’ is exemplary—and a narrative structure of “evil as past” (Meister 2011; Teitel 2014), as will be further discussed in the next chapter, not all victims have the same weight and the initiatives have clearly focused on a particular segment among victimised groups.

They propagate an understanding of the present as the moment in which a break with the past is accomplished, that is, as steps toward realising the non-repetition of the past identified as that which should not happen again. It is characterised as a symbolic ‘fresh start’ that follows the act of ‘drawing a line’ between past and present/future.
According to historical theorist Berber Bevernage, this derives from “the description of crimes as belonging to the ‘past’ in a chronological sense [which] provokes the connotation that they are ‘past’ in the substantial sense of ‘passed,’ ‘dead,’ or ‘over and done with’” (2011, 86). This action, he argues, is the “first and foremost political function of the truth commission” (2010, 125). The stories of past affliction are retold precisely because Brazil is (allegedly) no longer on a path of authoritarianism and human rights violations but making an effort to meet international human rights norms through transitional justice programmes. The imperative at this historical moment becomes to stop the past from repeating—‘never again.’

The perspective of being at a new historical moment is observed with some frequency in the discourses of politicians, the image only occasionally emerges in the discourses of actors within the Brazilian initiatives concerning the legacies of dictatorship. Examples from the political sphere include the words of President Cardoso, “we need to look forward and strengthen the values that ensure that what was wrong in the past will not return” (Brazil, Cardoso 2002); da Silva described the right to memory and truth initiatives as “more than governmental initiatives (…), [they are] foundational acts of the Brazilian state, a milestone of its democratisation process” (2009); Rousseff claimed that CNV and the Access to Information Law symbolise advancements as important as the country’s labour laws of 1943 and the Constitution of 1988. In her view, “they place our country on a higher standing, a position of subordination to human rights” (2011).

Rousseff again made the analogy of the country being at a new historical moment when describing CNV as a “civilizational milestone (…) the zenith of a process that started in the struggle of the Brazilian people for democratic liberties, amnesty, direct elections, the constitution, economic stability and development with social inclusion” (2012). Upon conclusion of the truth commission’s activities, she explained, “we can look at this [dictatorial] period and learn from it because we have overcome it” (2014). The idea is that the past is behind, and Brazilian society can let go of the evil past.

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148 The democratic aspect of the CNV was also highlighted by Rousseff when announcing the truth commission in 2011, when it was hailed as something that would make Brazil “a better, fairer, less unequal and especially, a more democratic country” (2011).
CNV commissioner Rosa Cardoso has framed that symbolic change in no uncertain terms. On the day the report was presented in Brasilia she affirmed that the country had “abandoned a process of barbarism for a civilizational process” (speaking to Planalto 2014). In her view, the fact that Brazil had reached a stage in which crimes committed by the undemocratic military regime can be investigated and a report published was symbolic of a new phase in the country’s history.

Let us unpack some aspects of the story from barbarism-to-civility and further understand the formation of Brazil’s memory of the regime. An investigation into stereotypes and the consumption of official history and historical narratives first carried out by James Wertsch has been reproduced in Brazil by researcher Elenir de Moura. Thirty-five undergraduate students were asked what in their opinion constituted the most important elements of Brazilian history. The researcher noted a narrative scheme of overcoming-constraints-imposed-upon-us emerged as the key through which colonialism, the independence, slavery and other notable features of the country’s past was interpreted by these students (de Moura 2004). The following analytic unit is a good example:

> tears of blood were shed in [the Brazilian nation’s] first attempt to impose its opinion, those tortured and exiled during the unforgettable dictatorship of the military period today live a full existence thanks to Brazilians’ peaceful spirit, and not its economic-political structure, where ‘democracy’ reigns (de Moura 2004, 28).

The collective nouns ‘Brazilians’ and ‘Brazilian nation’ are a recurring trope used by Moura’s respondents; the dictatorial past appears as a low point in which things were not so good (‘tears of blood; ‘torture and exile’), against which the now is identified as when things are better (‘democracy reigns’).

An excerpt taken from the website of the Revealed Memories project offers a reading of the past that conforms to the structure of the romantic plot and limits of the schematic narrative template sketched previously, of Brazilians overcoming the obstacle imposed upon them:

> in a panoramic view of the relations between the dictatorship, workers and students, three great moments can be observed: first, after the coup was successful, there was a moment of collapse of references and the repression; a second moment was 1968, when fights emerged, soon to be neutralised. Later, at the end of the regime, large-scale social movements of urban workers erupted (...) largely changing the outlook of traditional political exchanges and contributing to the end of the dictatorship (memoriasreveladas.gov.br, n.d.).
The regime is presented as a challenging period, which different groups struggled to overcome. The patterns of the ‘overcoming an obstacle’ narrative archetype provide the framing upon which specific narratives can be developed; each victim investigated by the commissions and listed in official publications is evidence of this collective struggle. The initiatives concerning the legacies of dictatorship themselves fit within this narrative arc, as expressed President Dilma Rousseff at the ceremony in which CNV was established:

this is the culmination of a process that started in the efforts of the Brazilian people; fighting for democratic liberties, for amnesty, for direct elections, for the constitution, for economic stability, for growth with social inclusion. (...) Our gathering today (...) is a privilege democracy and civilised conviviality made possible. It is a demonstration of political maturity that has its origins in the habits of our people and the characteristics of our country (Rousseff 2012a, emphasis added).

The trope of Brazilians as a peaceful and democratic people, fighting for their rightful advancement is coupled with milestones in the country’s process of revealing information about the dictatorial past; Rousseff went on to mention the official initiatives concerning the legacies of dictatorship and the role of past democratically-elected presidents in this ‘journey.’ It agrees with the view Brazilians tend to have of themselves as part of a racially mixed nation in which non-violent people coexist peacefully, the idea being that Brazil is a nation where everyone gets along. The view conforms what philosopher Marilena Chauí calls the 'Brazilian myth of non-violence.'

The myth was reinforced by the process of revisiting its recent dictatorial past by the propagation of the view that Brazilians are a courageous people who fought to see their society evolve from an undemocratic past to a pro-human rights future. So, the myth goes, this human rights-affirming and democratic nation, which endured and overcame the dictatorial regime (Chauí 2013; Reis Filho 2010a), is made up of “a peaceful, orderly, generous, sensory, happy, friendly people destined to a great future because we live in an indivisible nation, without discrimination or class, ethnic, religious or sexual prejudices” (Chauí 2012). With his tongue held firmly in his cheek, historian Leandro Karnal makes a similar critique of the Brazilian self-image:

the picture is idyllic. We are a land without earthquakes or hurricanes. No civil wars or extreme fundamentalisms that may lead to genocide. We are peaceful. Non-

149 Chauí identifies five pillars said to form the basis of Brazilian identity: the country is seen as a gift from god (1), made up of peaceful people (2) without prejudice (3). Anyone who wants to work is welcome (4) its land is characterised by its regional contrasts (5) (Chauí 2013, 149).
violent. We are not aggressive. We do not hate. We are not prejudiced. We are not racist. This portrayal does not stand the test of history. It is one of our illusions, created and sustained over centuries (Karnal 2017, 17).

Anthropologist Lilia Moritz Schwarcz also questions the national self-image based on good relations by stressing the long period slavery went unquestioned in Brazil. She considers that “we have a collective and affective memory that ignores the violence that prevails in the country” (quoted in Canofre 2017).

These doubts about the myth of non-violence can be incorporated into the analysis of the more recent Brazilian past. By carrying out certain actions of memory (apologies, truth-seeking, public hearings, laws etc.), the initiatives represent themselves as the moment in which the shift occurs, and Brazil becomes a civilised nation. A symbolic line is drawn, and so long as the telos of non-repetition is complete, the past can stay in the past and no longer play a part in society’s future: “these histories are past and therefore do not belong to the nation’s (political) present” (Bevernage 2011, 96). As suggested Rosa Cardoso, following the establishment of its truth commission, Brazil can be perceived as a nation on a path of civilisation, away from the barbarism of a society in which crimes against humanity are perpetrated by state officials.

The representations of Brazil’s past produced by the initiatives concerning the legacies of dictatorship promoted by the executive branch of the Brazilian federal government are the result of actions of memory carried out by these initiatives. Among these memory-making actions are the production of official reports, which dispel previous accounts (often produced by the regime) and acknowledge versions of the past produced by victims of political persecution; issuing official apologies on behalf of the Brazilian state, collecting and preserving documents and making this material available to the wider public (so citizens have reliable information about the past). A strong characteristic of this process is the condemnation of past human rights violations (rightly so, in the opinion of the author of this dissertation), which are classified as a bad thing. The initiatives acknowledge the occurrence of these violations, so the previous state of

\[150\] Brazil was the last independent country to abolish slavery, on 13 May 1888. For an analysis of the role played by history writing in the configuration of a national imaginary and collective identity in Brazil based in the myth of the ‘three races,’ see Dutra, E. F. ‘The Mirror of History and Images of the Nation: The Invention of a National Identity in Brazil and Its Contrasts with Similar Enterprises in Mexico and Argentina.’ In Writing the Nation, ed. by S. Berger (Palgrave Macmillan, 2007).
denial and misrepresentation of the past can be overcome. In this process, a judgement is made on the past political violence: it is deemed wrong and designated as that which should not happen again.

Regime change, authoritarianism, human rights violations, political polarisation, the Cold War... these are complex historical developments. In order to understand the outcome of specific historical interconnections in this context requires turning to the formation of the state and locating the different identities that coexisted at that moment. The public memory policies, however, produce a memory of the regime in the precise format historians warned against.

The initiatives reinforce readings that have been superseded in historiographical debates during the past twenty years, still propagating the dictatorial regime represented as a conflict that was the result of an authoritarian regime that imposed itself against the will of the Brazilian population, complemented by the view that dissidents of political organisations and the wider civil society always acted in favour of democracy. Described as too close to the mainstream public discourse about the recent past, the Brazilian initiatives have been accused of providing romanticised interpretations and comfortable dichotomies (Rollemberg 2010, 37; Napolitano 2015, 18; Teixeirense 2017, 181). The memory they produce sits comfortably with the Brazilian national self-identity of a peaceful and easy to get along people and fails to address more difficult questions, involving for example in relation to the persistence of authoritarianism in Brazilian political culture and the regime's afterlives.

The memory propagated by the official initiatives is not neutral: they give prominence to the opposition to the regime, making resistance the standpoint from which the Brazilian past is interpreted. The Brazilian initiatives’ discourses have the distinguishing trait of defining violence as physical violence inflicted upon political opponents of the regime. Myriad of groups opposed the regime; the opposition took the form of a broad and plural organised civil resistance (intellectuals, unionists, political parties, professional organisations, artists etc.) and a more visible (but fewer in number) armed resistance. The changing face of the resistance against the regime is a complex and intricate history, but this is not always made clear in the initiatives’ discourses.

Conceptually, there is a line between supporting the presence of memory in society and supporting the cause connected to that memory, for example to affirm that those
who fought the regime did something praiseworthy. The official publications clearly (and rightly) want to give victims a space to tell their stories and are not shy to point out that their work in disseminates victims’ accounts. However, not all initiatives take the same view on this, and some distinctions can be made concerning how CEMDP, the Amnesty Commission and CNV present the more contentious aspect of the narratives of victims of past human rights violations.

Overall, the government’s initiatives exert caution when giving positive recognition to the memory of victims. The most radical actions carried out by the armed left—such as killings or kidnappings—are seldom mentioned when individuals are honoured, praised or memorialised by official initiatives. Even when embracing their cause, the initiatives stop short of lending full support to the more contentious acts committed by armed leftist groups, and often refer instead to the ‘struggle against the regime,’ ‘the struggle for liberty’ or to ‘pro-democracy actions.’ Even Dilma Rousseff tends to avoid openly discussing violent actions. When this happened during the 2010 presidential campaign, she declared feeling proud “because (...) I fought against the dictatorship in the name of liberty and democracy” but stressed that she “was never involved in the armed struggle” (Rousseff quoted in Cruz et al 2010).

For reasons delineated previously, which include the lack of cooperation from the Armed Forces and the imposition in the early stages of the federal government’s initiatives that evidence the crimes committed by the regime they endured, the archives of the reparations commissions document the past as experienced by political persecuted citizens. Legal scholar José Carlos Moreira da Silva Filho claims that “these archives are infinitely more valuable than those that the Armed Forces still hold because they offer the narrative of the victims and incite society from spectators to become receivers [of their memory]” (2008, 175, emphasis added).

It goes without saying that first-hand accounts require careful handling. Marcelo Torelly of Amnesty Commission has exposed concerns over the reliability of these sources, affirming that testimonials are “mix in their narratives facts, experiences, feelings, all of which is heavily marked by the experience of trauma and violation of rights (2014, 228). This is precisely the reason scholar Beatriz Sarlo (2005) requests more precision when understanding the past. She is concerned with the fact that first-person victim narratives hold an advantage when they enter in competition with other
accounts—this includes not only against accounts the regime provided at the time, but also academic history.

The memorialisation of the political dead and disappeared has been a goal of a sub-project of the Special Secretariat for Human Rights of the Presidency, “Indispensable People” (Pessoas Imprescindíveis). The project has been described in official documents as “a homage” to those who resisted and fought the military regime (SDH/PR 2010, 88)—the plan was to create a memorial for the 136 individuals listed on CEMDP’s original list of political disappeared “to inform the population about the country’s past and awaken Brazilians’ critical awareness” (Ibid, 96). Twenty-seven totems commemorating 52 individuals killed by the regime have been erected in at least ten different states across Brazil, depicting “those people they pay tribute to alongside situations that represent the regime’s violent repression” (Ibid, 96; see also Rotta 2008).

In Amnesty Commission, those who fought against the dictatorship are often cast as model citizens and presented as extraordinary actors, sometimes deemed worthy of being memorialised as heroes of the nation. This celebration of the memory of those who resisted the dictatorship by Amnesty Commission has been described as a “cult” of their memory (Soares and Quinalha 2011, 261).

The hermeneutic turn discussed above, which expanded the Amnesty Commission’s focus to include the dissemination of information about the national past (see section 3.3.1 above) also gave a central position to victims’ accounts. The privileged protagonism occasionally carried a positive recognition of actors engaged in the resistance against the regime (including guerrilla groups). For example, the objectives of the country-wide programme of events entitled “Ciclo 50 Anos” (“50 Years Cycle”) was “to promote reflection on the 50 years of history of the civil-military coup and advances in transitional justice and to pay the due respect to victims of the regime of exception” (Brazil, Justice Ministry 2016b, 66–67).

Amnesty Caravans have been credited with “recovering history, preserving memory, paying tribute to and providing reparations for those who honourably rebelled against tyranny and oppression” (Abrão 2009). During sessions in which applications for amnesty were decided upon claimants had the opportunity to speak directly to those in attendance. They normally used that time to narrate their experience. This was a deeply personal moment, and it was up to each individual to share their past however they
wanted; there were silences, tears, outbursts of energy, some are reported to have “read poetry, sing chants and anthems, expose their performance art or even visual art pieces” (da Silva Filho 2008, 169).

These sessions sometimes went beyond the official acknowledgement and apology, to sometimes thank former militants for their actions against the regime. An example was the ceremony closing Carlos Marighella’s amnesty process. In 1968, he was declared the regime ‘public enemy number 1.’ On the centenary of his birth, forty years after his assassination, Marighella was honoured by the Amnesty Commission in the Brazilian Senate. He was declared a political amnestied citizen and his life story was memorialised in “Rádio Libertadora, A Palavra de Carlos Marighella,” an official publication by the Brazilian federal government funded through the Marks of Memory project.

Paulo Abrão declared that the high honour was “a recognition of his legitimate right to resist the authoritarian regime and in favour of the struggle and reestablishment of public liberties and democracy in Brazil” (2013a). In the appraisal of the request for amnesty lodged in the name of Marighella, Amnesty Commission councillor Ana Maria Guedes apologises on behalf of the Brazilian government and stresses positive characteristics of his personality: “Marighella was a Brazilian like few others. With (...) bravery and determination” (Justice Ministry 2012, 96). Controversially, the text suggests that Marighella should be seen as a national hero:

Carlos Marighella has inserted his name among the list of heroes of the Brazilian people. He dared to face the terror of two dictatorships and did not falter acting in the name of liberty when faced with the enemy. Fearless and brave, since he joined the Communist Party he believed in the transformation of society (Ibid, 87).

As discussed previously, giving victims space to tell their stories is a competence of state initiatives based on the principles of transitional justice. What is less clear is whether taking the side of those who ‘resisted against the regime’ is part of that remit. The choice comes from the initiatives’ selection and emphasis in history, made more visible in the cases when there is a positive interpretation of actions carried out in the

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151 Marighella was a Federal Deputy who joined the armed guerrilla and became an influential author of leftist propaganda; his manual of guerrilla tactics (“Minimanual of the Urban Guerrilla”) was widely read among members of leftist groups at the time (and is said to influence radical Islamic groups at present). CEMDP’s financial compensation to his family sparked controversy among military officials. See Castro and d’Araújo 1999, 43; Magalhães, M. Marighella. O guerrilheiro que incendou o mundo (Cia. das Letras, 2012).
past by regime opponents (including violent ones). This would appear to go beyond merely increasing the visibility of victims in the publicly presented past.

The choice for a radical discourse stands in sharp contrast to the path the country adopted in its recent republican past. The truth is that extreme left ambitions never gained much support among Brazilians; even at its most left-leaning, when ruled by leftist party PT, Brazil’s government was classified as ‘moderate left’—not socialist. In the opinion of the author of this dissertation, the initiatives become controversial and generate division especially when they propagate a discourse that promotes the acritical interpretation of actions carried out by the resistance against the regime and in particular the leftist revolutionary groups—for example placing members of the armed left in the position of role-models. In so doing, they contribute to the mystification of the past more than help elucidate and better understand the Brazilian past.\footnote{A similar argument has been employed by historian Denise Rollemberg to criticise the heroicisation of figures like Lamarca and Marighella. See Rollemberg, D. 2008. ‘Carlos Marighela e Carlos Lamarca Memórias de dois revolucionários’. Acervo - Revista do Arquivo Nacional 21(2), 105-22.}

The embracing of the leftist past and their outcomes is demonstrated by the inclusion of this perspective in the Amnesty Memorial. Its central theme has been described in the following terms:

> The task of Amnesty’s Memorial of Brazil will be to reveal the ideas, movements, and utopias that inspired the actions of thousands of people who have been persecuted for daring to think and fight for the country. The driving force will be the struggle of the Brazilian people for the establishment of democracy and amnesty (Pistori and da Silva Filho 2009, 115).

More so than the other Brazilian initiatives, the truth commission attempted to craft for itself the position of an objective investigation, striving to appear to make a neutral judgement on the past. This entailed not expressing bias towards victims or the left and avoiding the politics at the centre of the past conflict it investigated. It sought a politically neutral point, refraining from appearing either in favour or against victims and their actions. There is, however, an affirmation of a moral commitment towards “the centrality of victims” (Brazil, CNV 2014a, 32). The deaths of those who engaged in the opposition to the regime are described in the CNV report as a “human tragedy that cannot be justified in any way” (Ibid, 16). In the following excerpt from the CNV report, the
relevance of first-hand victim testimonies is made explicit. The dissemination to the wider public of materials compiled by the truth commission is also stressed:

CNV received valuable testimonies. It held about 75 public hearings in several states (...). Almost 30 years after the end of the military dictatorship, these testimonies revealed those who had their lives dramatically affected by the repressive apparatus. The testimony of victims was important in visits to military installations where serious human rights violations had occurred (...). The webcast of public hearings and the extensive record of CNV’s activities in digital media enabled these testimonies to be heard by thousands of people throughout the country, many of whom were not even born when the facts occurred (Brazil, CNV 2014a, 43).

CNV’s website collected materials produced by the truth commission, and now that it is no longer active, this resource remains available as a source of videos, texts and legislation related to the CNV investigations. Despite a declaration in the opening pages of volume 1 of the CNV report it is affirmed that volume 3 contains “accounts (...) that expose horror scenarios unknown by millions of Brazilians, [and] revere the victims of crimes committed by the Brazilian state and its Armed Forces” (Brazil, CNV 2014a, 16, emphasis added), the memory of regime opponents is not celebrated in the report.¹⁵³

In a recent interview, CNV commissioner Maria Rita Kehl made a distinction between terrorists and leftist militants against the regime and affirmed that crimes committed by the latter were one-offs, “two or three episodes involving bombs (...) and we disapprove of them” (Kehl speaking to Tutaméia TV 2019). This is remarkable because such clear affirmation that there were violent acts and condemnation of the violence carried out by leftist groups is absent from the CNV report.

Dealing almost exclusively with the factuality of the violence against civilians during the regime has left unresolved the more fundamental political conflict underlying those events—the sectarianism of the radicalised political spectrum. Opinions on past injustice still diverge and a consensus on the illegitimacy of the use of violence against political opponents is yet to be obtained. The problem is that some still consider the atrocities were a necessary price to pay for order and progress. Once the debate about the past became about perpetrators and victims, the original political conflict became overshadowed; it is no longer possible to speak of victors and losers (Giglioli 2016).

¹⁵³ In the original in Portuguese: “Os relatos (...) expõem cenários de horror pouco conhecidos por milhões de brasileiros, reverenciam as vítimas de crimes cometidos pelo Estado brasileiro e por suas Forças Armadas.”

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In Brazil, the ‘good memory’ propagated by the government’s initiatives contributes to the mystification of the resistance against the regime. It was constructed with a mix of symbolism from the left and a mythical retelling of Brazilian civil society as opposed to the regime from the beginning (Reis Filho 2013). Blurring the line between reflecting upon and remembering a violent past, at times the initiatives promote a positive recognition of the actions of pro-revolutionary groups, which are honoured by some of the initiatives’ actions of memory, and their past is given privileged protagonism in the representation of the past constructed by the initiatives.

The victims of the regime become depoliticised victims of persecution violence in the discourse of the official initiatives. Although it is true that at certain times actions of the opposition are represented as something to be commended, despite the focus on politically-motivated violence, the Brazilian transitional justice mechanisms only honour victims as victims (and a specific type of victims—who suffered in the flesh). They are not mechanisms of revolutionary justice; on the contrary, the historical beginning it attempts to bring about is precisely un-revolutionary, i.e. without resorting to violence (Arendt 1990, 20). Crucially, what was at stake—the political imagination offering a vision for the future of the country—is no longer viewed as a key element to understand the past (or deemed something that requires explaining to future generations). The radical potential of the present is limited to the avoidance of evil: this has become the goal, rather than a vision for the good. In Wendy Brown’s formulation, human rights become “all we can hope for” (2004).

The victims of political persecution are depoliticised. Often, those on the more radical wing of the opposition to the regime are anachronistically misconstrued as pro-democracy activists. Their progressive ambitions are deemed insignificant and their memories drained of any revolutionary potential. Leftist militants no more, “mere dreamers who fought for liberty and democracy” (Furtado 2017).

Importantly, the propagation of a depoliticised representation of the past by the federal government’s initiatives carries out a profound transformation of the victims’ past. This means that the state-sponsored memory should not be equated to a supposed ‘victims’ voice’ or ‘perspective of victims’ as commentators and actors often refer to (see for example Pinheiro 2013; Mezarobba 2014). There has been a large number of victims and there is no single category that can be said to encompass all of them, unifying their
views in a single ‘victims’ narrative.’ The victims of the Brazilian dictatorship come from different walks of life. The futures they envisioned were different (so much so that even the armed groups never coalesced to form a unified front against the regime). The position from which they struggled was different, the level of disruption they faced was also been different: whilst there were people who have had to leave their homes, change their names and live clandestinely, others could carry on with their lives largely unscathed. Some have had to leave the country. Others lost their jobs. Some opposed the regime peacefully, others violently. Many were imprisoned and feared for their lives. Some lost their lives. There is also disagreement about the initiatives themselves—not all who have been victimised agree with the model of reconciliation through financial reparations carried out by the Brazilian commissions (Gonçalves 2006).

The ‘democratic turn’ after the dictatorship is a high point in the narrative of how Brazil overcame the regime. Despite having endured prosecution, violence and in many cases human rights violations, many former leftist militants re-engaged with politics upon their return to the country after a period in exile. As discussed previously, da Silva interprets Latin America’s Pink Tide as a transnational trend which marks the success of the former revolutionaries: “in most of the countries in which the left had waged an armed guerrilla in the 60s and 70s, it reached power” (2008). However, the movement failed in proposing an alternative to neoliberalism as promised in the World Social Forum motto: ‘another world is possible.’ Although Latin American nations reduced extreme poverty and saw unprecedented social progressivism, a shift away from the left became more pronounced since 2015—when The Financial Times declared that the Pink Tide had ebbed.154

It is not surprising that the human rights violations that had for so long been the object of indifference by politicians and Brazilians alike started to be more consistently addressed as the regime opponents of the 1960s and 1970s acquired more political power. The suggestion that there is a connection between the political maturity of former leftist campaigners and their rise to PT’s high offices is not new (Reis Filho 2013; Villa 2012). However, it must be noted that, as discussed previously, President Fernando Henrique Cardoso of the centrist Social Democratic Party (PSDB) was also pivotal in the process of

dealing with the past. As Lula da Silva and Dilma Rousseff, he had also been a dissident during the military regime. The three leaders have brought into their administrations’ former regime opponents; members of the intellectual opposition, the social movements and the armed resistance. Individuals such as Paulo Vannuchi, Tarso Genro and Sérgio Pinheiro later became influential in the government’s initiatives discussed here.

The mainstream discourse about the dictatorial regime—the memory that is ubiquitous in Brazilian society—, carries a positive representation of the armed left and sees the dictatorship as something that must not be repeated. According to Napolitano, “the left is frequently seen as an example of heroic resistance against authoritarianism (...) [and] the dictatorship is represented as a state of exception that should not be repeated in history” (2015, 18). Society is largely perceived as a victim of the repressive military dictatorship, and episodes of resistance as representative of the whole society. Historian Bruno Groppo has described such historical constructions as typical of post-authoritarian societies, which “retrospectively amplify narratives of epic-patriotic character” giving an impression that “society unanimously, or almost unanimously, resisted in the face of the dictatorship” (2016, 42–43).

The Brazilian federal government’s initiatives, by addressing the dictatorial past, carry the potential to influence the formation of public opinion about the dictatorship and help (re)shape the national self-image towards the recent past. The discourses of the Brazilian initiatives and the representations of the past they propagate have done little to dispel these historical constructions—in fact, rather than asking difficult questions, they have reinforced the mainstream perspective from which the recent Brazilian past is remembered. The narrative archetype of overcoming an obstacle provides the pattern for the official national narrative developed within the initiatives’ actions of memory. This means that the initiatives reproduce problematic provisions found in Brazil’s mainstream discourse about the recent past.
4.5 Conclusion

The memory of contentious past(s) is the result of a process of meaning-making and construction of representations of the past that propagates what the government wants the public to remember about the past. This process has been described as the “‘good memory’ proposed by the democratic state” (Vinyes 2009a, 27). The resulting narrative “becomes an interpretation of history” (Sarlo 2005, 93—94). In Brazil, the most recent process of public dissemination of sanctioned representations of the dictatorial past occurred through (broadly understood) texts produced by the federal initiatives concerning the legacies of dictatorship active between 1995 and 2016.

This chapter argued that using language and other symbolic systems, the federal initiatives concerning the legacies of dictatorship resignify Brazil’s past, that is, they construct and disseminate through their discursive actions historical representations about the dictatorial past. For the most part, the departure point has been evidence presented by members of the public and victims of the regime.

The story told is one from-barbarism-to-civility, whereby in 1964, a military coup led to an authoritarian regime that imposed severe suffering on Brazilians who struggled to overcome it and later found a “new spirit of reconciliation” presiding social relations in the country (Brazil, Cardoso 2002, 330). Contrary to the affirmation that they offer all Brazilians need to know about their past, the federal government initiatives followed a mandate that limited the scope of their work to a particular type of issue and offers a partial interpretation of Brazil’s past.

The initiatives implemented by the Brazilian federal government to address the country’s most recent dictatorial past produce an account of the past centred on human rights violations perpetrated against political dissidents by agents of the dictatorial regime of 1964-1985. This memory is not neutral: it gives prominence to the opposition to the regime, making resistance the standpoint from which the Brazilian past is interpreted. It categorises as gross human rights violations the suffering of the body, deemed the worst of crimes in particular when perpetrated against political opponents of the regime. This representation of the dictatorial period suggests the interpretation of the past as a tragedy or a catastrophe. The authoritarian regime’s state terror, in its
promotion of torture, enforced disappearances and illegal killings of political opponents, is deemed *something to be condemned* as gross human rights violations.

The ethical stance carried forward by the Brazilian initiatives regards the suffering of the body as the worst of crimes and that which must be investigated, acknowledged and never be allowed to repeat. This makes the Brazilian case an expression of the retroactive construction of a cultural memory embedded in what Robert Meister characterises as “the specific ethical view that underlies the present-day politics of human rights (...) a principled resistance to moral relativism when it comes to the suffering of bodies” (2011, 142).

The texts analysed above include printed books, manuals and brochures, documentary films, photographic exhibitions and other sources produced by the main initiatives of the Brazilian federal government in the course of executing their actions of memory. Chapter 5 investigates patterns identified in their discursive construction of the past. Further excerpts of texts by the governmental initiatives are analysed, and the representations of the past they disseminate are further demonstrated. Their discursive strategies include: strategies of construction, an approximation to discourses associated with the ‘leftist militants’ and ‘regime opponents’ and their assimilation and cohesivation by the initiatives; strategies of *demontage*, the dissociation of the initiatives’ discourses from the Military—for example by reinforcing a negative presentation of the past as a *tempus horribilis*; and strategies of transformation, the topos of history as a teacher, which represents an aspiration to cause discontinuation between still existing traces of the past and an envisioned future.
Chapter 5. Discursive Construction of the Past

5.1 Introduction

History written with hindsight and instilled with meaning (...) must be invariably perceived as a construction.

- Ruth Wodak and Gertraud Auer-Borea, Justice and Memory

The previous Chapter discussed the Brazilian initiatives’ interpretation of the past, which is emphasised and disseminated by their actions of memory. This chapter provides an analysis of some of the strategies applied in the formation of discourses about the national past by initiatives concerning the legacies of dictatorship promoted by the federal executive power. The following sections explain how a reshaping of the national past occurs as the official initiatives deal with the 1964-1985 regime. Each section evaluates different strategies used by the initiatives in the construction of discourses about the past. Discursive elements such as meanings and other symbolic systems are contrasted through analysis of the patterns, commonality, and interconnections present in texts produced by the initiatives and actors within their sub-projects.\(^{155}\)

The discursive strategies discussed below stem from the Discourse-Historical Approach (DHA); which has been applied in analyses of political discourse, particularly the language use of those in power (Van Leeuwen and Wodak 1999, 91). An important part of DHA’s framework is attention to the historical context of texts and discourses. Crucial for its analyses are relationships between texts, such as recontextualisation and intertextualisation, the linking and re-linking of texts over time (Reisigl and Wodak 2009).

DHA emphasises three dimensions of language use: a text’s content (what is said or written), its strategies of argumentation (how actors’ goals are constituted and articulated in their language use) and analysis of a text’s linguistic realisations (what results from that discourse). Discursive strategies have a limited repertoire at a macro-level and vary

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\(^{155}\) The understanding of the past (re)produced by the Brazilian initiatives is transmitted through texts produced by the projects, including printed materials, films, documentaries, photographic exhibitions etc. published by the initiatives, or their collaborators.
according to social discursive practices: strategies of construction, perpetuation and justification, transformation and destruction or *demontage* (Van Leeuwen and Wodak 1999, 92). Sub-strategies involve predication, intensification, mitigation, perspectivation and argumentation in publicly circulating discourses about the past produced and disseminated through the use of euphemisms, comparisons, emphasising or alluding to certain themes and terms while avoiding or trivialising others.

Based on a definition of discourse as a social practice which “is at the same time constituted by it” (Van Leeuwen and Wodak 1999, 92), four macro-levels of purpose are distinguished: strategies of construction, perpetuation, deconstruction and transformation. Each of the four macro-levels presents its own strategies to analyse specific argumentation schemes identified in political discourses, including avoidance, rationalisation, minimisation, singularisation, autonomisation and others (Wodak et al. 2009, 36–42; see also Wodak 2009, 585–7).

DHA and CDA are used below to understand the process of reshaping the understanding of violent recent past(s). Researcher Mariana Achugar has successfully applied the perspectives to investigate the process of (re) construction of the Uruguayan recent past through an analysis of the memory of the military (2008) and the intergenerational transmission processes occurring in that country (2016). Annelies Verdoolaege applied CDA to reconciliation discourse of the South African Truth and Reconciliation Commission (2008). Further case studies of societies coping with traumatic past(s) can be found in the literature, including analyses of commemorative speeches and practices, silence(s), rhetorical tropes, censorship and self-censorship, the role of ‘fear’ and apologies in Spain, Austria, Chile, Poland, Denmark and Britain.156

Brazilian scholars who work with CDA in their study of the dictatorial past and discourses about the period tend to follow either Norman Fairclough or Michel Pêcheux’s theories. The first group includes David Barbosa de Oliveira’s PhD Thesis, *Análise de discurso crítico da anistia política de militares no Brasil* (2015), an analysis of disputes in relation to the amnesty process within the Armed Forces. And recent publications on the

reception of the CNV discourse by documentary-makers (Daltoé 2016) and in national newspapers (Sanglard and Neves 2017). Freda Indursky is among Brazilian scholars influenced by the French tradition in CDA. Her *A fala dos quartéis e as outras vozes* (Ed. da Unicamp, 2013) investigated the discourse of the Brazilian military presidents. More recently, Diego Airoso Motta defended the PhD thesis *Ditadura, direitos humanos e dilemas da justiça de transição* (2018) on discourses about CNV in Brazilian weekly magazines.

This chapter is structured as follows: first, it will be argued that the initiatives’ representation of the past aligns itself to the discursive practices of groups representing victims of political violence. Second, it turns to the discursive strategies used in official discourses of the initiatives to demarcate what is negative about the past. This includes focusing on aspects of the past that the official initiatives condemn and denounce. A third strand investigated are strategies of transformation. These are methods employed by CNV to demarcate differences between past and present, or, as occurs in the truth commission’s recommendations, the present and an envisaged future.

### 5.2 Strategies of Construction: Aligning with a Victim-Centred Memory

In the past thirty years, the discourse and practice of transitional justice have become so normalised, that it is almost expected that nations no longer silence about their violent pasts, but instead implement policies to ‘deal with’ their sensitive heritage. This symbolic act follows a distinctive methodology which gives it a ‘victimological’ character, described as a “juridical positivist framework behind the investigation of human rights abuse” (Humphrey 2003, 178). As such, the dealing with the past is said to “exist primarily to support victims of human rights violations (...) acknowledging victims and providing redress” (Robins 2017, 43); its institutions tend to grant victims central participation “in determining what must be remembered, by whom and how” (Méndez 2016, 4).157

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157 Jemima García-Godos has put forward the argument that transitional justice has not always been centred on victims. She welcomes the fact that “transitional justice has experienced a victims-turn since the mid-2000s,
The Brazilian case has not been any different; as discussed in Chapter 3, the goals of obtaining ‘national reconciliation’ and advancing in the reconstruction of “the memory and truth about what happened to the victims of political repression during the 1964 regime” (Brazil 2009a, emphasis added) are central to the federal government’s initiatives. Even if victims’ demands are not fully met, victims are an intended target group of the Brazilian processes developed within a transitional justice framework. Reparations by Amnesty Commission and CEMDP are designed to offer moral and financial reparations to victims. CNV and Revealed Memories investigate, preserve and propagate victim-centred narratives of state-sponsored violence occurred during Brazil’s most recent dictatorship. They are victim-centred institutions.

The federal government’s initiatives construct a discourse that is close to discursive practices of the organised victims’ groups. They often present themselves as aligned with a victim-centred memory of human rights violations committed by regime officials against the political opposition. Victimhood is assumed as a mode of discourse and frame of meaning within the history constructed by the official Brazilian initiatives. Documents related to human rights violations retrieved are sent to the archives, and in the more famous cases, it is the victim’s name that is remembered; the official discourses about the national past are centred around what was done to them. As such, the initiatives seem to align with the contemporary methodologies whereby “the victim has been put at the centre of the states’ post-atrocity strategies” (Humphrey 2003, 172).

Overlaps between the goals of the initiatives concerning the legacies of dictatorship and organised victims’ groups can be observed in their policy instruments; acknowledging state responsibility and providing reparation to victims (central aspects to CEMDP and the Amnesty Commission) while seeking more truth and memory (the main concerns addressed by CNV and Revealed Memories). However, the federal government’s dealings with the past diverges on some points from the memory propagated by victims’ groups. If the initiatives can be said to give centrality to victims and “incite society (…) to become receivers [of their memory]” (da Silva Filho 2008, 175), in practice their handling of the group has been found wanting.

when the needs of victims of human rights violations and the promotion and protection of victims’ rights have gained international attention, both in the areas of international legal and humanitarian practice as well as in academic inquiry” (2016, 351).
It is important to note that there is not a single category that can be referred to as the ‘memory of victims of the dictatorship,’ but a wide plurality of memories and different perspectives. After all, among civilians, there were people who only lost their jobs, and citizens who were imprisoned and tortured, and some who lost their lives. There were many dissidents opposed the regime peacefully and a small number of regime opponents who took up arms. The latter group split into an array of leftist ideologies. ‘Victims of the regime’ is not a cohesive group.

Victims disagree for example on what is to be done about the past, one clear example is support for the Amnesty Commission reparations. While some were comfortable with the process of claiming amnesty and receiving financial compensation from the Brazilian government, others had a different experience of the process. Military officials ousted because of their opposition to the regime have had to organise themselves and fight in the courts for years to have the right to apply for amnesty.

A voice that is often absent from the official initiatives concerning the legacies of dictatorship is the political memory constructed by the social movements. A memory that uses the past fight for social justice to galvanise resistance in the present: “the spirit of struggle of the past, which mobilised people to overthrow the dictatorship, is a reference that encourages movements to overturn something even bigger, such as capitalism and neoliberalism” (Ansara 2005, 263). Former guerrilla members who maintained their left-wing ideals tend to have a negative view of the reparation process. For them, to request amnesty represents siding with the government. Accepting financial reparation has been deemed a commodification of the ideology that had mobilised them in the past, akin to accepting their transformation from militants to victims (Gonçalves 2006, 219). Former leftist militant Rosa da Fonseca expressed the logic in the following terms:

the compensation is absurd because the state is the same, it has not changed (...). The structures are set up, torture continues with impunity (...). So, I get the money one day, and the next day, I am sued if I protest the government? (...) this is hush money. (...) The role of the amnesty movement should be to continue the struggle for which we were imprisoned and tortured (quoted in Gonçalves 2006, 209-210).

However, when reference is made to victims’ groups in the context of public memory policies, it is not this dispersed group still vying for a revolution that comes to mind. Brazilian civil society has been largely absent from debates concerning accountability for the past crimes except for relatively small groups of organised
survivors and relatives of the ‘political disappeared,’ a segment that came together from early on, and has since campaigned for state recognition of the violence, the punishment of perpetrators, deterrence (i.e. the end of practices such as torture and enforced disappearances) and reparations—especially the location of the remains of their loved ones (and not so much financial compensation).  

Members of these groups are recipients of the public memory policies, and to an extent, have through their pressure been involved in their formulation and implementation. As discussed previously (Section 3.4.2 above), the truth commission was originally proposed by victims’ relatives as a ‘National Commission of Truth and Justice’ included in the PNDH-3 (later approved by Congress as a truth commission only). Representatives of victims have also been involved in the decision-making of CEMDP and the Amnesty Commission.  

Representatives of organised victims’ groups had an opportunity to give their opinion on cases that should be investigated by CNV and even helped shape the CNV report (volume 3 is said to exist as a result of this interaction). These approximations, however, do not eliminate the fact that in certain spheres the Brazilian federal government opposes the victims’ groups.  

Although the federal government’s initiatives have victims and their representatives as a target group for their actions—and providing acknowledgement and redress to victims should be understood as attempts by the initiatives to address their concerns—organised victims’ groups have not fully embraced the official discourse. That is because there are fundamental differences between the governmental approach to the past and that of organised victims’ groups. There are two major complaints.

Relatives of fatal victims want to know the circumstances in which their loved ones were killed, locate their remains and give them a proper burial (Gagnebin 2010, 185). Efforts to locate human remains of the political dead and disappeared are a central

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158 According to the Commission of Relatives of the Political Dead and Disappeared, relatives started to organise themselves in 1964 to denounce torture, poor conditions in prison, disappearances and killings of political prisoners—a movement that intensified in 1975 with the campaign for amnesty (desaparecidospoliticoss.org.br n.d.). The movement institutionalised itself and now consists of several different human rights organisations grouping together former political prisoners, relatives of fatal victims (the ‘political disappeared’). One of the organisations is “Torture Never Again”—first established in 1985 in Rio de Janeiro, to this day it advocates against torture, in defence of human rights and for memory of the dictatorship. See also note 59 (above).

159 The groups represented in CEMDP decision-making bodies are representatives of the political dead and disappeared, while in the Amnesty Commission representatives of the amnestied take part in the decision-making.
element in CEMDP. However, calls for the state to investigate and locate the bodies of the disappeared have only partially been fulfilled with a small number of victims located up until now. CEMDP has successfully identified the remains of two victims, Dimas Casemiro and Aluíso Palhano Ferreira; CNV investigations have led to the location of one victim, Epaminondas Gomes de Oliveira. In the past few years, there have been concerns over the training and funding for CEMDP to carry out the action (Gonzaga 2019). In 2019 the Bolsonaro government slashed funding for forensic analyses and a team of thirty researchers that was conducting the searches was dismissed (Piva 2019).

Another grievance of relatives of fatal victims of the political dead and disappeared and survivors is the fact that those who ordered and committed crimes against humanity continue to be shielded from prosecution. Although since 2008 the government’s initiatives (especially the Amnesty Commission and CNV) address this issue and advocate for a new interpretation of the 1979 Amnesty Law, their actions have proved ineffective in attracting support for the idea.\(^{160}\) In light of the perpetuation of impunity in Brazil, observers have remarked that “transitional justice discourse (…) can be utilised as a rhetorical strategy to hide and legitimate processes of impunity and block demands for justice, truth and compensation made by victims” (Quinalha and Teles 2015, 28).

Human rights organisations welcomed CNV’s official acknowledgement of gross human rights violations but cited the Amnesty Law and impunity as the truth commission’s biggest problems. Its mandate was deemed problematic as well because of limitations imposed by “the idea of ‘national reconciliation’ and the failure to reconsider the amnesty law” (Westhrop et al 2014, 166).\(^{161}\) Another criticism was CNV’s low level of interaction with civil society; “there was a dialogue with the civil society (…) but it did not translate into effective practice by CNV” (quoted in Westhrop et al 2015, 174).

Similar comments have been made about the other initiatives. Despite acknowledging civil society’s calls for amnesty and the right to truth, “a close reading” of the CEMDP report is said to “reveal that this history largely suppresses the existence of

\(^{160}\) As discussed in the introduction to this dissertation, no change to the Amnesty Law is imminent. A second challenge is due to be brought before the Supreme Court, but there is no set date for this yet.

\(^{161}\) The NGO Instituto de Estudos da Religião (ISER) conducted the study. Thirty-six Brazilian NGOs working in the field of human rights and memory of the dictatorship were consulted about their assessment of the CNV. Only ten organisations completed the poll; a list of all organisations consulted appears in the ISER report, but no information is provided about which submitted their responses (Westhrop et al 2015, 165-6).
demands for punishment (...) the report not only silences those demands but also implies that even if they exist, they weren’t legitimate” (Atencio 2014, 86). Cecilia MacDowell Santos has pointed out that publications organised by the Amnesty Commission often devalue civil society’s struggles as well: “placing at the margins these civil legal actions and struggles for justice” (2015, 44-45).

The apparent proximity of the official discourse to that of victims’ groups needs to be studied carefully, based on dynamic contextual analysis. In the IACHR courtroom, the state opposed victims’ groups. Amélia Teles represented relatives of the ‘political disappeared’ during the Gomes Lund Case, and describes feeling angry during the trial because state representatives clashed with relatives and presented to the Court as executed by the Brazilian government searches for victims’ remains that had been conducted by the relatives of the political dead and disappeared (2017).

The federal government’s initiatives have given visibility to a memory that idealises victims and makes the ‘victim-discourse’ central to understand Brazil’s past. Through its initiatives designed to address the dictatorial regime, the executive branch of the Brazilian federal government helps shape the perception, categorisation and interpretation of a moment in the national past. The memory which the initiatives vow to preserve forms the basis for a kind of ‘national common sense.’ Chief among this vision of the past is the definition, categorisation, predication and evaluation of who ought to be considered victims, and how to address these individuals.

5.2.1 The characterisation of victims

The people who were persecuted by the regime tend not to use the terms ‘victim’ or ‘survivor’ to describe their experience; they normally use the terms ‘political persecuted,’ ‘former political prisoner,’ ‘affected [by the regime]’ or ‘amnestied.’ The term ‘victim’ did not appear in legal documents until 2011. The first article of the law that created CEMDP speaks exclusively of the fatal victims of the political dead and disappeared; referred to as individuals killed by public agents “who have participated, or who have

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162 For a diachronic analysis of the social construction of the category ‘victims of the military dictatorship’ in Brazil based on interviews with former political prisoners, see Aydos and Figueiredo 2013.
been accused of participating in political activities” (Brazil 2009). In 2004 the CEMDP criteria were broadened to include individuals killed during public protests and those who committed suicide following repressive actions by the regime (measure n. 10.875).

The term ‘victim’ was employed more extensively during the CNV process and final report than in any other Brazilian initiative (Lacerda 2016, 6). The CNV mandate (Article 3, paragraph 7) sets as an objective to “collaborate in supporting victims of human rights violations” (Brazil 2011b). Interestingly, truth commissioner Rosa Cardoso described the importance of CNV’s victimological character: “the truth commission is the victims’ and their relatives’ opportunity to see their history told. (...) They do not want the report of a historian” (quoted in Arruda 2013).

The historical representation in the federal government’s initiatives have a common origin and can be said to form a continuum. First CEMDP, then the Amnesty Commission, Revealed Memories and then CNV; each initiative expands, reinforces and propagates the discourse first introduced in Torture in Brazil (Archdiocese of São Paulo 1985, 85). It presents a narrative of the past in which those referred to as ‘affected by political prosecution’—the political tortured and dead—are presented as victims of the dictatorship (Aydos and Figueiredo 2013, 403). Through much of Brazil’s process of reckoning with the past, the term ‘victim’ has maintained this initial character, being applied to regime opponents tortured or killed by the regime because of their militancy.

The CEMDP report has been criticised as “a sketch of official history (...) a hegemonic memory of leftist undertones” (Napolitano 2011, 351). Regardless of its drawbacks, upon its publication, Brazil finally had an official document that dealt with human rights violations during the dictatorial regime. According to its author, it “put the stamp of the state on the work that civil society had already done; victims, human rights organisations, the heroic resistance, the Torture in Brazil report” (Vannuchi speaking to Kehl 2018).

The CNV report makes it clear from the beginning that it consolidates previous efforts towards obtaining the truth about human rights violations occurred in the

163 Torture in Brazil is not alone in being a source for the federal initiatives, the same gravitas is attributed to the investigations of victims groups: “much of what is known about the dead and disappeared during the military dictatorship comes from the search conducted by relatives, recorded in the document Dossier dictatorship: political dead and disappeared in Brazil (1964-1985)” (Brazil, CNV 2014a n. 29, 493). See note 76 (above).
country (Brazil, CNV 2014a, 24-28). CNV commissioners offer a direct example of the 1985 report shaping CNV’s interpretation of the past:

[we] decided to include illegal and arbitrary detention as a gross violation of human rights given that (...) it was a kind of gateway to the repressive system of the military regime and a facilitator for other serious violations, as denounced by the Torture in Brazil report (Ibid, 279).

From all of the initiatives investigated in this dissertation, CEMDP has the strictest definition of ‘victim.’ However, its mandate defines the group as “political dissidents” who have “for this reason been detained by public agents” and ever since “find themselves disappeared” (Brazil 1995). However, in its report the discourse about the past was imprecise; historical roles and actions and terms applied to refer to them were still vague. ‘Victim’ is employed not only to refer to the political dead and disappeared but also to military officials killed fighting political opponents of the regime (whose relatives are not contemplated with financial compensation from CEMDP):

political-military organisations adopted tactics that included bank robbery, the kidnapping of foreign officials to rescue political prisoners, violence against military compounds and other combative models which also produced countless victims among the agents of the state security apparatus (CEMDP 2007, 24).

The Amnesty Commission expanded the understanding of victims of the regime significantly. Its remit is delimited by the 1988 Constitution, which states that “amnesty is conceded to workers who (...) were affected, due to strictly political reasons, by acts of exception” (Brazil 1988b). With the financial reparations of the Amnesty Commission, Brazil recognised a second group, those who suffered losses in the workplace as a result of political persecution during the military regime (Abrão et al. 2009, 15). The second understanding coexists with the first contemplated by CEMDP, forming two groups within society that have a legal right to apply for reparations from the Brazilian federal government. The category of ‘political amnestied’ (Brazil, Justice Ministry 2008, 4) encompasses, for example, students (who were not allowed to graduate during the regime); politicians (forced to leave their job or to work for no pay); lawyers, unionists,

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164 The first line of volume 1 of the CNV report reads: “1. The National Truth Commission (CNV) combines with all previous efforts to record the facts and clarify the circumstances in cases of serious human rights violations practiced between 1946 and 1988, on the basis of claims by relatives of the political dead and disappeared, in line with a historical demand of Brazilian civil society” (Brazil, CNV 2014a, 20).
university professors... A large class of amnestied Brazilians were local councillors who lost their political rights (and jobs) during the regime; another large group are the officials who were dismissed from the Armed Forces, for example.

However, many citizens who have applied to be recognised as amnestied citizens were not engaged in the political struggle against the regime and many were never imprisoned or tortured. As mentioned previously, the regime’s political police produced personal files that classified citizens and thousands of citizens who had no political affiliation whatsoever were blacklisted, wrongly classified as ‘subversive.’ There were an estimated five hundred thousand personal files and the sheer fact that a file existed on someone’s name could lead to that person losing out in their workplace. At certain points there was flexibility in the definition of the political amnestied, also applied for example, for members of the Suruí tribe—an indigenous group from a remote region, who were apolitical and not in formal employment during the regime.165 They were granted amnesty as victims of the Araguaia guerrilla (Schettini 2015). According to the president of the National Indian Foundation (FUNAI), “this was the first time (...) the state recognised the victimisation of an indigenous community” (funai.gov.br 2014).

Although the Amnesty Commission’s financial reparations focus on labour law, many of its sub-projects tend not to focus on issues related to labour legislation or the world of work.166 After 2007 the Amnesty Commission and its sub-projects significantly expanded the debate about the Brazilian national past and victims of the regime as they turned to widen the societal impact of the initiative’s actions. As part of the collective reparations many of the initiative’s texts seek to address a perceived ‘deficit’ of memory of the repression and human rights violations by making first-hand accounts by

165 Brazilian indigenous populations have had an unequal access to citizenship and were for a long time outside the law. The Suruí is a tribe based in the state of Pará, their first contact with the modern world was in the late 1960s and they were unlikely to have had political inclinations during the regime. The first indigenous political movement recorded in Brazil is from the 1970s in the border with Guyana. Indigenous movements gained force in the 1980s, with their societies and cultures recognised in the 1988 Constitution. See Baines, S. G. 2012. ‘O movimento político indígena em Roraima: identidades indígenas e nacionais na fronteira Brasil-Guiana.’ Caderno CRH, 25(64), 33-44; Miki, Y. Frontiers of Citizenship: A Black and Indigenous History of Postcolonial Brazil (Cambridge UP, 2018); and Wagner, D. F. 2018. ‘Identidade étnica, índios e direito penal no Brasil: paradoxos insustentáveis.’ Revista Direito GV, 14(1), 123-147.

166 According to Marcelo Torelly, claims based on employment law made “other kinds of human rights violations” visible: “torture, ill-treatment, imprisonment for political reasons, and due process violations” (2018, 6).
opponents of the regime more widely available. Documentaries and publications promote the memory of human rights violations and political repression, emphasised also in educational materials intended to inform Brazilians about transitional justice and its processes and the human rights violations of the past, so they can understand and repudiate those errors (Comissão de Anistia do Ministério da Justiça 2012, 13).

As discussed previously, Revealed Memories focuses exclusively on the repression and political persecutions. Its website contains sections on exiles and the disappeared, and galleries of photographs contain images of political actors, public manifestations and political activities (theatre plays, posters, etc.). CNV, CEMDP, Revealed Memories and the Amnesty Commission have given visibility to the memory of resistance and cast physical violence as the standpoint from which they understand the Brazilian national past. This interpretation is ubiquitous in their texts, defining what and how that past is discussed and officially memorialised. One reason for this perspective to take precedence over others is said to be their intention to counter the “version of the oppressors” (Abrão, Torelly and Cruz 2012, 10)—that is, to amend the knowledge of the past which is based on documents drafted during the dictatorial regime. The argument is that by remembering the experience of victims—by allowing “the whole society to know, understand and, thus, repudiate the errors” (Comissão de Anistia do Ministério da Justiça 2011, 9)—the likelihood of gross human rights violations reoccurring is minimised.

In brief, despite exceptional cases such as the Suruí and others (such as the Zuzu Angel case discussed below), and although most of the amnestied were neither politically engaged nor tortured or killed, for the most part, the discourses of the federal government’s initiatives established between 1995 and 2016 represent the past as experienced by politicised citizens (‘regime opponents’) who have fallen victim of the regime and experienced physical aggression (i.e. suffering of the body). The violence they endured represent negative models: their past is held up as an example of that which Brazilian initiatives do not want to see repeated.

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167 Sample titles from the Amnesty Commission’s publications give some indication of the themes covered: Strengthening Memory, Justice and Human Rights; Forced Disappearance and Transitional Justice in Latin America; Transitional Justice: Handbook for Latin America; Transfer of Silence, Testimony and Repair; Repression and Right to Resistance; From Memory to Action; Military Dictatorship And Democracy In Brazil; Memories Of Resistance And Solidarity; Transcribed Memories – Testimonials; Brazil: Human Rights Violations; Access to Citizenship and Human Rights; Memory Marks: Oral History. See https://www.justica.gov.br/central-de-contenido/anistia/anistia-politica-2 [Retrieved on 11 July 2019].

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This representation of regime opponents and leftist militants (including those engaged in armed conflict) is what enables Brazilians to think of the political persecuted as idealistic, courageous individuals who fought the just cause. This is a perspective contested by sociologist Marcelo Ridenti, who articulates the problem as an “ideology of democratic resistance (...) that attributes the return to democracy (...) in part to the heroic struggle of the armed left” (2004, 58). As we have discussed previously, historians also suggest that the narrative represents a problematic ‘dislocation of meaning’ (Reis Filho 2010a, 178), a misrepresentation of the past that took place around the time of the 1979 amnesty (Fico 2013b, 246; Reis Filho 2014b, 49).

Reis Filho was among the regime opponents allowed to return from exile after the amnesty and has long been a critic of this reversal of perspective about the dictatorship, which gives the impression that society had always been on the side of the left and against the regime. He wrote about the surprise upon his return to Brazil of finding former revolutionaries like himself being referred to as ‘democrats’. The public discourse had shifted: “Brazilian society celebrated with great vigour and sympathy these rebels, who (...) had been resoundingly defeated” (Reis Filho 2000, 90; see also 2010a, 2010b, 2014).

The Brazilian case offers interesting case studies in the understanding of victimological paradigms in circulation. The fact that some victims committed crimes and employed violence as a means to advance their cause while acting according to their political beliefs should not invalidate their claims of having been subjected to suffering by an insurmountable force. The suppression by the official initiatives concerning the legacies of dictatorship of criminal charges against victims and expressions of gratitude

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168 Ridenti alerts us to the effect of the ideology of democratic resistance in the country’s political sphere: “the armed left never proposed a mere return to democracy as it was before 1964, nor (...) the institution constituted in Brazil after the end of the dictatorship. This ideology tends to tacitly reduce the struggle for revolution in the 1960s and 1970s to a preparatory phase for Brazilian democracy as it is now established, thus legitimising the past of many former guerrillas” (Ridenti 2004, 58).

169 See a discussion of Reis Filho’s three silences thesis in Section 2.7 (above).

for what they did (as in the case of Marighella discussed above) are attempts not to taint the moral attributes of victims and their aims.

The CNV report consists of three volumes: volumes 1 and 3 are the work of the commissioners while volume 2 is not. Chapters in volume 1 are described as “collectively authored by the truth commissioners” (Brazil, CNV 2014a, 15), which makes it the most important of the three volumes. Its chapter titles illustrate what commissioners deemed most relevant: themes such as “offices and procedures of political repression,” “violations abroad” and sub-chapters dedicated to each of the themes listed in the CNV mandate (“Torture,” “Executions and deaths resulting from torture” and “Forced disappearances”) are contemplated alongside issues not listed on the mandate (“Unlawful and arbitrary detentions” and “Sexual violence, gender violence and violence against children and adolescents”). The chapters deal with crimes committed by repressive agents against regime opponents or their loved ones (for example in cases when their children were witnesses of torture or partners of suspected leftist militants were taken in for questioning) (Brazil, CNV 2014, 407). The volume’s final section is dedicated to “conclusions and recommendations.”

The chapter “Emblematic Cases” addresses members of the military, workers and apolitical civilians who were persecuted and had their human rights violated by those the report refers to as “state agents” or “repressive agents” of the dictatorial regime. It includes cases “that deserve separate treatment, because they are emblematic of the repression against certain groups, such as the military and peasants, or the way violence materialized, such as cases of terrorism against civil society” (Ibid, 596). The events are presented as different from the ‘norm’—violence against the political persecuted. The prevalence of a concern for the investigation of crimes committed against political militants appears in the following excerpt:

> the period of the military dictatorship established in 1964 was associated with a series of systematic mass violations of human rights, in which political opponents of the regime—and all those who were somehow perceived by it as its enemies—were persecuted in different ways (Brazil, CNV 2014a, 278, emphasis added).

Partly owing to CNV’s difficult negotiations with victims and relatives of those killed by the regime, who did not welcome official investigations into other victimised groups, the
so-called ‘thematic issues’ of other victims were consigned to volume 2 of the report. A disclaimer affirms that the independent texts collected in volume 2 are not to be read as the result of the investigations of CNV commissioners, but the result of research conducted under their supervision (Brazil, CNV 2014b, 7). The truth commissioners were not satisfied that the methodological rigour employed in volume 1 had been applied in equal measure to the volume 2 and there was no consensus over the quality of the texts (Schneider and de Almeida 2018). According to Dallari, they were published albeit “recognising that these were at an earlier stage in comparison to the other areas” (quoted in de Hollanda 2015, 309-310). The separation into another volume, emphasis on the texts’ different authorship and questions about their epistemological status meant that the contents of volume 2 were deemed less relevant. Media coverage of the report focused overwhelmingly on the numbers reported in volumes 1 and 3: 434 dead, 210 disappeared, and 377 state agents named as responsible for human rights violations occurred between 1946 and 1988. A justification as to why the political persecuted were given more thorough consideration than other groups in society (such as crimes against women, workers, trade unionists, peasants, clerics, indigenous peoples and members of the LGBT community) that also suffered gross violations of human rights was never provided.

As discussed in Section 3.4.3 (above), the CNV mandate required that the truth commission “clarify the facts and circumstances of cases of gross human rights violations [occurred between 1946 and 1988]” (Brazil 2011b). Which ‘violations’ was CNV to investigate? The use of the expression ‘gross human rights violations’ was interpreted as a demand for the work of CNV to “adequate itself to international law” (Brazil, CNV 2014a, 36). Indeed, the term remains undefined “generally meaning systematic violations of

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172 According to historian Lucas Pedretti, the CNV archives hold studies on the Afro-Brazilian community at a similar stage as those published in volume 2, but the issue was not included in the report (other than a brief mention in text 9, “A resistência da sociedade civil às graves violações de direitos humanos”). See Brazil, CEMDP 2009; Brazil, CNV 2014b; Pedretti 2017, 72.

173 The CNV report cites two documents, the International Covenant on Civil and Political Rights and the American Convention on Human Rights, which presuppose the following “fundamental rights”: right to life, personal integrity, prohibition of slavery, prohibition of imprisonment for debts, legality and retroactivity,
certain human rights norms of a more serious nature” (Condé 2004). However, the mandate did establish priorities, requesting “a detailed report of cases of torture, deaths, enforced disappearances, concealment of human remains” (Brazil 2011b). Nevertheless, the mandate did not specify that ‘cases of political opponents of the regime’ should receive special treatment.

The exact definition for ‘gross human rights violations’ and the rationale used to define the focus of investigations is not provided, although commissioners claim that

as far as possible, we sought to investigate other human rights violations perpetrated against military officials, rural and urban workers, religious, students and teachers, as well as marginalised sectors of society, such as peasants and indigenous peoples. The results of this research are presented in the thematic texts included in volume 2 (Brazil, CNV 2014a, 37).

The disclosure of more elements of Brazil's dictatorial past should be hailed as a positive step. There is no doubt that the category of ‘victim’ gained a more complex character in the CNV report as a result of the inclusion of other groups; the broadening of memories in circulation in the public sphere can change the way people feel about the past, attract support for the initiatives and their discourses about the past. However, despite the inclusion of other groups, the core of the truth commission’s investigations was unquestionably on the category of victim that has consistently received the most attention in the Brazilian transitional justice model. The core of the report is on the political persecuted.

Most of the attention of the CNV commissioners was devoted to cases of human rights violations against those who opposed the dictatorship as part of political parties, social and labour movements or clandestine organisations and for this reason, were persecuted, monitored, arrested, tortured, and in some cases killed by the regime. CNV justifies the centrality of these cases by claiming that “the brunt of the regime’s gross human rights violations was towards militants of political organisations” (Brazil, CNV 2014a, 183).

recognition of legal personality, freedom of thought, conscience and religion, family protection, children’s rights, right to nationality and political rights. See also Melo, C. de C., and A. S. Martins. ‘The National Truth Commission (NTC): Truth and Responsibility.’ In The Brazilian Truth Commission: Local, National and Global Perspectives, ed. by N. Schneider (Berghahn Books, 2019).
There is a gap in the total number of political dead and disappeared presented by the two official reports, 362 in CEMDP (cemdp.sdh.gov.br n.d.c) and 434 in CNV. One example helps to understand that discrepancy. Iguatemi Zuchi Teixeira was killed by an army official while in prison. His case was overturned by CEMDP because of a lack of evidence of his involvement in political activities. The circumstances of his death place him within the gross human rights violations investigated by CNV. His case, excluded from CEMDP’s toll, appears in volume 3 of the CNV report (Brazil, CNV 2014c, 241–43). Why is this case included, and not all non-political victims—peasants, indigenous, common criminals and mental health patients also tortured, killed or disappeared—due to the action or inaction of the regime?¹⁷⁴ This is not made clear by CNV commissioners.

The arbitrariness of the insertion of cases in the truth commission report has been illustrated by the following statement by historian Pedro Teixeirensé, who was a member of the CNV historical research team. Given that the commission had not yet produced a list of victims, he started visiting archives, looking for individuals who might have had their human rights violated by the military during the regime. An initial analysis resulted in a list of over 400 names. During a meeting with representatives of organised victims’ groups, the list was rejected upon declarations that some of those names were unfamiliar to them, and hence, those were not cases to be investigated. The list was scrapped (Teixeirensé 2015).

Described as being of “great historical significance” and “completely devoted to the victims” (Brazil, CNV 2014a, 16), volume 3 of the CNV report seals the view of political opponents as the quintessential victims of the dictatorship. In the opening section of volume 3, commissioners state: “through this volume, which talks about issues that bear huge historical significance, CNV dedicates this report to the memory of the victims of a political landscape that should never again be repeated” (Brazil, CNV 2014c, 25).

A typology of actors and violence of the dictatorship is consolidated in this volume. Each of 434 political deaths and disappearances has an entry comprising of a profile of the victim, an account of the circumstances leading to his or her death, a list of existing

¹⁷⁴ Besides the already mentioned cases of indigenous populations, peasants and mental health patients, common criminals were victims of para-military forces known as Death Squads, which operated during the regime torturing and illegally killing common criminals. See the website of the Sao Paulo state truth commission “Rubens Paiva” for more information: http://comissaoaverdade.al.sp.gov.br/relatorio/tomo-i/parte-i-cap2.html [Retrieved on 14 July 2019].
evidence attesting to the crimes described and the names of officials involved in the crimes with the chain of command responsible.

Legal scholar Andrea Schettini noted the ‘special attention’ given to the cases of political deaths and disappearances. According to her, volume 3 revisits the same category that had already been singled out in the Law of the Disappeared of 1995, again placing at the centre of attention the political dead and disappeared (2015, 4). Teixeirense also noted the emphasis on political militancy in the report and remarked on volume 3:

the profiles (...) demonstrate the importance of episodes related to the armed struggle in the definition of who are the victims of the Brazilian military dictatorship; above all in the narrative course that informs the logic of the elaboration of the report as a whole. Although the individuals presented were not [always] directly related to organisations that engaged in an armed struggle against the regime, in most cases the report identifies an association of some nature with the events related to resistance to the dictatorship (Teixeirense 2017, 180).

The focus of the CNV mandate was the investigation and documenting of the violent conduct of the regime—more specifically, gross human rights violations occurred between 1946 and 1988. Building on definitions and information found in previous reports, the CNV report offers a balance sheet of violence against the political opposition to the military regime. It draws on a representation of the past first formulated in Torture in Brazil, which was revisited by the CEMDP report in 2007. Further to this, its contents are based on the report drafted by the Commission of Relatives of the Political Dead and Disappeared in 1979. Both reports (of 2007 and 1979) list the victims of political persecution in chronological order of death, followed by all known details about their killing by the regime. Volume 3 of the CNV report expands this information and further develops a narrative that was already in circulation.

As well as the contents of the 2007 report, CNV commissioners benefitted from a “permanent exchange of information” and the “record of CEMDP proceedings” (Brazil, CNV 2014a, 60). One case found in both CEMDP and CNV reports is Hamilton Fernando Cunha’s, a black militant who joined an armed left organisation.175 He was being arrested when one of the agents was shot by his comrade-in-arms. Hamilton died. At the time, the

175 CEMDP published a separate report (based on its 2007 report) exclusively dealing with cases of Afro-Brazilians persecuted by the regime. So far, this limited effort has been the only time a concern for this community is reflected in public memory policies in the country.
officially recorded account was that the shot fired by the leftist militant had accidentally hit Hamilton.

In 1998 that account was deemed untrue by CEMDP. Based on DOPS files, it was understood that “Hamilton was under the custody of state agents at the moment of his death” (Brazil, CEMDP 2007, 91)—which means that they were responsible for his loss of life. CNV reporting does not add much content to the case. As with the other cases of human rights violations described in the report, the reason why officials had an interest in Hamilton is not discussed. The CNV report only mentions the name of his organisation, *Vanguarda Popular Revolucionária* (“VPR”) and refers to the fact that Hamilton lived in the same hideout as Carlos Lamarca.\(^\text{176}\) The CEMDP report provides a more detailed account of activities carried out by the organisation. They include an attack on the General Hospital of the Army, a bomb at the II Army headquarters and the execution of a CIA official (Charles Chandler) (Ibid, 473).

CNV lifted the lid on many previously ignored ‘others’ of Brazil’s past by giving visibility to groups who do not fit the category of ‘political victims of the regime’ but who nonetheless were directly harmed by criminal actions carried out by representatives of the Brazilian state. This was a positive step towards complexifying and understanding victimhood during the regime, however, it also demarcates a hierarchy within that classification. Some themes appear as secondary issues, relegated to volume 2 of the CNV report. Despite broadening the term ‘victim of the military dictatorship’—something Amnesty Commission also did, albeit to a lesser extent—CNV still reinforces the idea that ‘the main victims’ or the ‘important victims’ are the political dissidents (often associated to democratic principles).\(^\text{177}\) The denunciation of human rights violations committed against citizens who opposed the dictatorship is repeated, amplified and propagated over the years, thickening the official discourse.

\(^{176}\) Captain Carlos Lamarca is a controversial figure. He deserted the Armed Forces in 1969 to become a prominent member of the leftist guerrilla and was killed by the regime in 1971. Official reparations to his family have outraged Armed Forces officials. See Castro and d’Araújo (1999, 43) for an account of tensions around Lamarca’s CEMDP process. In 2007 Lamarca was amnestied by the Amnesty Commission and his amnesty was annulled in 2015, and the issue is still pending (Rover 2015; Leitão 2019).

\(^{177}\) Historian Pedro Teixeirense raises similar questions about the “particular memory that has been mobilised to reconstruct history” in “narratives organised by the Brazilian state since the 1990s” (2017, 176): “Resist. Fight. React. (...) since the first armed interventions, resistance against the 1964 military dictatorship latently bears democratic principles that are supposed to have been part of the political will of the opposition to the regime” (Teixeirense 2017, 183).
5.2.2 Unification and cohesivation of the initiatives’ discourses

The previous section investigated victims of human rights violations as a central concern to the re-evaluation of Brazil’s most recent military period. The category of victim has not remained the same: it shifted from the political opponents of the regime killed and forcefully made to disappear contemplated by CEMDP, to those who had financial losses because of their political activities (or in many cases presumed activities) contemplated by Amnesty Commission, to those who were political persecuted and now see their lives documented by Revealed Memories, to CNV’s investigations which affect those who suffered gross human rights violations.

Actors in the federal initiatives sought to emphasise the centrality and participation of victims in the work of the initiatives concerning the legacies of dictatorship (i.e. telling their stories and shaping outputs for example). Strategies of assimilation and cohesivation observed in texts of the Brazilian initiatives indicate an approximation of the official discourses about the past to the discourse associated with the ‘political persecuted.’ The stabilisation of a narrative of resistance against the regime which embraces the part of the left that engaged in an armed conflict against the military can be observed in the official memorialisation, through declarations in publications and political discourse. However, as we shall see, there is quite a bit of discrepancy in their understanding of the past.

The issue of how to address the former “militants”/ “subversives” is perhaps one of the most delicate ones, because of its potential effect to polarise public opinion. Direct references to the armed guerrilla are unusual in the discourse of Brazilian politicians. As discussed previously, President Cardoso has always opted for a cautious approach, emphasising the amnesty and affirming the reconciliation: “this cannot be an amnesty that bears grudges with the past. The past is past” (2012). President Rousseff has always been more vocal in her condemnation of the regime. However, she does not speak of the armed guerrilla so much. During the launch of her first presidential campaign, she paid a tribute to those killed by the regime, speaking in memory of her comrades-in-arms “who died too young” (2010). An unrepentant Rousseff reflected on her personal history:

178 The individuals named were Carlos Alberto Soares de Freitas and Maria Auxiliadora Lara Barcelos (members of the guerrilla group VAR-Palmares [Palmares Armed Revolutionary Vanguard]) and Carlos Lamarca’s partner,
[my generation] took its commitment to the country and with the country to its last consequences. I have grown up. We all have. (...) But this evolution should not be confused with a loss of our convictions. (...) We are still pursuing our dreams. We still believe in the strength of the Brazilian people, in their ability to build a better world. Recent history has shown that we were right (Rousseff 2010).

After this episode, PT released a note explaining that “the candidate never took part in armed strikes” (Época 2010). This position has been repeated throughout her political career: yes, she had been a guerrilla member, but she never took part in any armed actions. Once Rousseff became president, she made the political choice of using a more conciliatory discourse and always erred on the side of caution when making declarations about the political persecuted and Brazil’s recent past. The tributes to members of radical leftist groups gave way to constant references to ‘reconciliation’ and the ‘amnesty’ (Rousseff 2012a, 2014a).

From all the heads of state in the democratic period, Lula da Silva has been the one most favourable to a discourse that understands the opposition to the regime as something positive. In the excerpt below he calls for a memorialisation that heroicises the political dead:

Every time we talk about students (...) [and] workers who died, we curse those who killed them. In fact, this martyrdom will never end unless we learn to transform our dead into heroes, and not victims (...) Imagine (...) if Fidel Castro lamented those Batista killed. No! We need to make heroes out of those who gave their lives for something they believed in, symbols of our struggle (...) unless we tell their stories, no one will know who they are, and they will never become heroes (da Silva 2008b).

In a message delivered by Justice Minister Tarso Genro in 2008 during the 16th Amnesty Caravan, the memorial turn proposed above was considered fait accompli: “we are living a unique moment of reconciliation of the people with their heroes, a moment of affirmation of democracy and liberty, this is the meaning of Amnesty, to promote the regrouping of a people with its history” (da Silva quoted in Coelho and Rotta 2012, 113). In 2009, during the promulgation of the PNDH-3, da Silva listed individuals in his government and their experiences in prison during the dictatorship. Their radical politics characterised as a fight for “liberty (...) a government that is committed to the majority” (2009a).

Brazilians would suffer less if we turned our comrades into heroes, not just ...

Iara Yavelberg (member of the guerrilla group MR-8).
Da Silva’s proposal is for a discourse that breaks with the victimology of human rights discourse and many transitional justice initiatives; rather than focus on what was done to victims, those killed for political reasons should in his view be perceived as heroic figures who have contributed to bringing about a more progressive Brazil. Although the armed left militancy is not referred to directly, the guerrilheiros are clearly part of those who ‘gave their lives for something they believed in.’ This type of celebration of the resistance and positive treatment dispensed to political actors that opposed the regime is in line with attitudes observed in some of the initiatives concerning the legacies of dictatorship, as will be further discussed below. However, it is worth bearing in mind that in this reading the past is neutralised of its revolutionary potential; not only PT members are listed as ‘those who have gone to prison,’ but in da Silva’s interpretation, the progressive future the regime opponents fought for has come about in his own government. The struggle of the past was ‘worth it’ because it led to PT reaching power.

Despite da Silva’s positive rhetoric regarding those who fought against the military regime, at the same time that he extolled their virtues, his attitude towards the past was classified by commentators as “schizophrenic” (Santos 2010, Brito 2013) because of his inaction in relation to archives of the Armed Forces. Relatives of the political dead and disappeared have voiced a similar opinion, this time in relation to the lack of prosecutions: “up until now Lula has had a completely faltering position. It seems like he wants to protect torturers (...) he seems to want us to draw a line under the past” (victim relative Angela de Almeida quoted in Faria 2008).

The state was supposed to protect its citizens, but instead, it harmed them. People like Angela de Almeida and those wronged in the past are perceived as a target group for the actions of the Amnesty Commission by the commission’s actors (such as Paulo Abrão, Marcelo Torelly and Minister José Eduardo Cardozo):

since 2001 (...) the Amnesty Commission has already assessed, amnestied and repaired thousands of people who have had their lives (...) tampered with, damaged, made worse or were left traumatised by the military dictatorship; it has been conducting a work of reparation that leads to a process of national reconciliation, as it restores the citizenship of thousands of Brazilians (Araújo 2015, 74).
The need for the reconstruction of victim-state relations, for the reconciliation between citizens who have been wronged and the state, has been emphasised in the initiatives' discourses, with claims that this would be, in fact, a re-engagement, the ‘recovery’ of a bond that was lost as a result of the criminal activities of the militarised state:

Amnesty Caravans are a special form of reparation in which memory and truth are key elements of a public justice policy focused on the search for reconciliation by the state. Not the impossible reconciliation between victimisers and victims, which would necessarily depend on the temper and individual disposition of each side, but rather the reconciliation of a state previously taken by a repressive ideology, which now asks for forgiveness in the hope of recovering the public confidence of its citizens, fully recognising the mistakes made against those it was supposed to protect (Abrão and Cardozo 2012, 24, emphasis added).

The Amnesty Commission has played a pivotal role in the process of encouraging the public circulation of discourses aligned to a victim-centred memory. As discussed above, individuals who had endured political persecution between 1946 and 1988 have the right to request amnesty. More than 76,500 requests were filed. Over ninety Amnesty Caravans were held across Brazil, each time victims were heard and their deeds celebrated. In these sessions claimants provide evidence and “narrate the facts in detail, emphasising the situations of political persecution and the financial losses incurred due to this situation” (justica.gov.br n.d.d). The narratives constructed during the process of application for amnesty are defined by the logic of proving persecution in their place of work; with themes such as economic disadvantages, the impossibility of continuing in employment, having been unfairly dismissed, etc. being prevalent. During the session, a representative of the Amnesty Commission solemnly issues an apology in the name of the Brazilian state to the amnestied individual “for all persecution, financial losses and pain that they suffered” (da Silva Filho 2008, 174 n. 49). Symbolically, the state acknowledges wrongdoing and that reparations towards the citizen are due.

In some cases, former militants have been thanked for their actions during the military regime. In reference to the experience of Eliana Bellini (a militant of the Christian

\[179\] As discussed above, the Amnesty Commission sessions are hearings in which claimants are informed of the result of their application for amnesty. Sessions were held in different parts of the country as part of the project Amnesty Caravans. See the Amnesty Commission’s video channel for examples, “Acervo Virtual da Anistia” available at: https://www.youtube.com/channel/UCup98iVvNvo1PMTNjpUlTQA.
leftist group *Ação Popular*), Paulo Abrão made the following declaration during an Amnesty Commission session: 180

In the name of the state and the Brazilian people, we want to apologize for the mistakes Brazil has made against you. Our due tribute; may your life be an example and a reference for thousands of women and young people in our country. Our appreciation and our due tribute (Abrão in Lobo 2012).

The tribute to those who acted against the regime contains an undertone of admiration, which some might describe as the exaltation of the armed guerrilla struggle. This is reaffirmed in a text signed by the Amnesty Commission which declares its intention to “attach importance to the struggle of those who resisted—by any means they saw fit” (Brazil, Amnesty Commission 2012a, 13–15). The wording of the text includes the violent actions of the left. However, again, no direct reference is made to it. The acritical perspective on actions against the regime by the commission is further evidenced by the below affirmation that evidences that even violent actions against the dictatorship are deemed well-intentioned and praiseworthy:

In synthesizing the Amnesty Commission’s efforts to promote different forms of justice, this book ends up synthesizing many struggles. Some (...) distant in time, such as the struggle of the military officials who did not support the coup in 1964, the political and cultural milieu who resisted peacefully, *those who took up arms against the regime*, who protected victims and (...) were persecuted (...) this (...) is a tribute to those who have engaged in the struggles against the dictatorship (...) but also to those who (...) fought for strengthening [democracy] without forgetting their debt to those who suffered, the fallen and the disappeared (Abrão 2013b, 19, emphasis added).

In a similar vein, the CEMDP report (2007) praises leaders of Brazilian Revolutionary Communist Party (PCBR, *Partido Comunista Brasileiro Revolucionário*) for not giving information while in prison. “The consequences of their imprisonment could have been more damaging, had it not been for the heroic posture of some of the leaders in jail” (Brazil, CEMDP 2007, 471). The identification by CEMDP of the student leader Bergson Gurjão Farias, who was killed at the age of 25 in the Araguaia guerrilla (Brazil, CNV 2014c,

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180 In 1966 *Ação Popular* members carried out an attack against (then presidential candidate) Gen. Costa e Silva, at an airport. An army official and a journalist were killed, 14 people were wounded. That same year the group carried out the ‘expropriation’ of a bank (term employed by Brazilian leftist organisations to describe bank robberies carried out to fund their organisations) which resulted in the death of a police officer (Paulon 2005). It is not clear whether Bellini was connected to these actions. What is known is that due to her engagement in *Ação Popular* she was kidnapped and tortured by the regime in 1970, remaining in prison until 1972.
offers another example of the celebratory tone employed in relation to the violent struggle. Vannuchi used the following terms to describe the events: “[Faria’s] remains were taken to Fortaleza for reburial, onboard a plane of the Air Force; the transportation on land was done on a fire truck, with a huge turnout for the procession and funeral, in which he was honoured like a hero who fought for liberty” (Vannuchi 2013, 349).

Discussing the case of a PCB activist arrested in 1974 and forcefully made to disappear by the regime, a book published through the Marks of Memory project offers the following quote: “Brazilians as Luiz Maranhão, have for too long been treated by the dominant philosophy as terrorists. Today it is becoming much clearer who are the heroes of our people” (Marcos Dionísio quoted in Coelho and Rotta 2012, 245). Maranhão was honoured with an Indispensable People memorial inaugurated in the city of Natal in 2010 during the 42nd Caravan of the Amnesty Commission.

While the CNV report refrained from positioning itself as in favour of leftist actions against the military, the truth commission emphasises the preferential treatment it devotes to victims of political persecution and wants to be seen as attempting to have the participation of victims’ groups in shaping the outputs of the commission. Pedro Dallari described in the following terms his first exchange as coordinator of the truth commission with representatives of victims’ groups: “I sat down with them and asked, ‘what should we do?’ ‘Oh, we would like to see one section of the report dedicated in its entirety to the political disappeared,’ and I said: ‘Perfect.’ And here it is, volume 3 [of the

181 Materials published by the Traces of Memory are discursively located beside the actions of the initiatives; for instance books, despite carrying official stamps on their cover and listing the Amnesty Commission staff, carry a disclaimer on their back, which reads (in small print): “this publication is the result of a project financially supported by the project Traces of Memory which was selected following an open call for proposals (...). The opinions and information presented here are under the responsibility of the authors and editors of this work, and do not necessarily represent the opinion of the federal government. The financing for the publication of this material is part of the public policy of reparation and promotion of the memory of political amnesty in Brazil” (back cover of Coelho and Rotta 2012, reproduced on all publications funded through Traces of Memory).

182 At the earlier stages of the CNV there was quite some discussion among victims’ groups about the functioning of the commission. In June 2013 truth commissioner Claudio Fonteles quit over internal conflicts regarding the Commission’s methodology: the group disagreed over whether to present only its findings in the final report or to expose the process as a whole, with wider participation from civil society organisations. The civil society discussions are well-documented in the series of reports published by the Brazilian NGO ISER. See also Schneider, N., and G. I. de Almeida. ‘The Brazilian National Truth Commission (2012–2014) as a State-Commissioned History Project’. In The Palgrave Handbook of State-Sponsored History After 1945, ed. by B. Bevernage and N. Wouters, 637–52 (Palgrave Macmillan, 2018).
CNV report)” (quoted in de Hollanda 2015, 304). Volume 3 of the report focuses on cases of individuals killed by the regime because of their political activities.

To conclude, this dissertation has identified different tendencies among the Brazilian initiatives in their discursive actions regarding the narrative of resistance against the regime. As we have shown, politicians and actors within the initiatives do not always describe the victims in the same terms. Da Silva offers the quite radical option of heroising the dead and disappeared, which is not exactly far removed from the Amnesty Commission’s attitude towards the political persecuted, even those who took up arms against the regime. Vannuchi and CEMDP also dab with the idea of monumentalising actions carried out against the regime—however, as discussed above, it still uses the term ‘victim’ for military officials killed by guerrilla groups.

CNV seems a step removed from the other initiatives; commissioners refrain from openly supporting the actions of political victims. They avoid their moral ambiguities altogether, not tackling the political vision, theories and ideas motivating victims’ actions. The truth commission was also important to expand the categories of victims, having published in volume 2 original texts on what can be referred to as ‘other victims’—i.e. not the archetypal ‘political opponents of the regime.’

A few cases of individuals killed by the regime for other reasons (not their political views) are listed in volume 3 of the CNV report. An example is the famous case of Zuzu Angel, mother of leftist militant Stuart Angel killed by the regime in 1971. Following her son’s disappearance, Zuzu sought information about his remains. In 1976 she was killed by the regime, in an action made to look like a car accident (Brazil, CNV 2014a, 118). Such cases are exceptional, though. The CNV report focuses on gross human rights violations, in particular torture, illegal imprisonment, enforced disappearances and extrajudicial executions conducted “by public agents, persons in their service, with the support or in the interest of the state” (Brazil, CNV 2012b) against citizens due to their political non-alignment with the regime.

The mnemonic link between dictatorship, victimisation and the opposition particularly the ‘struggle against the dictatorship’ first drawn in the Torture in Brazil report has persisted. Despite the widening of the category of ‘victims of the military

183 Zuleika (“Zuzu”) Angel Jones’ case is included both in the CEMDP report and volume 3 of the CNV report.
dictatorship,’ the privileged position given to the memory of those killed or disappeared for political reasons has been maintained. That is, a reading of the past that focuses on the memory of those who suffered ‘in the flesh’ as a result of a focus on certain human rights violations. In the Brazilian case, ‘victims’ are still understood primarily as political persecuted individuals who opposed the military regime. This might be problematic.

The federal government initiatives’ normative scheme is often supported by a human rights epistemological framework, and Brazilian initiatives concerning the legacies of dictatorship can generally be viewed as an example of a “tendency of the human rights ideology to monopolise and frame the past according to its own exclusive reading” (David 2017, 314). Theirs is a positivist and realist representation of the dictatorial regime which is concerned almost exclusively with the human rights violations (and often a specific type, physical pain) at the centre of discussions about the past.

There are moments, however, in which the actors within Brazilian public memory policies go against typical human rights discourse. The occasional calls for the heroisation of regime opponents, for example (by President da Silva), breaks with the victimology of human rights discourse and many transitional justice initiatives. The displays of appreciation for their actions and bravery in their fight against the regime by prominent actors within CEMDP and the Amnesty Commission indicate a positive treatment dispensed to political actors who opposed the regime and celebration of the resistance—whether or not they resorted to violence. CNV opted for a politically neutral point regarding victims, with barely any mention to the actions they undertook against the regime.

As noted previously, the political ambitions of the ‘political persecuted’ are often discarded in debates concerning the past. Even the former Cuba-trained guerrilla militant Dilma Rousseff avoided any references to the ideological dispute of the past. Instead, regime dissidents tend to be represented as naïve 1960s dreamers who fought for progressive ideals. Books have been published about their lives, monuments erected in their memory and public spaces renamed after them. This special attention to the political dead and disappeared and emphasis on political militancy demarcate a clear line dividing regime victims according to their political positioning in the past.
Article 1 of the Universal Declaration of Human Rights states that “all human beings are born free and equal in dignity and rights” (UN General Assembly, 1948). Article 2 states that human rights are for all, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The Brazilian initiatives have clearly established and maintained a hierarchy. The ‘other histories’ identified in volume 2 of the CNV report are an example of the existence of that categorisation; a more accurate death toll for the Brazilian regime, encompassing all fatal victims would be close to 70,000 deaths as a direct result of the action or inaction of the regime. Political opponents were victimised, but there were also non-politicised victims: the indigenous and peasants, identified in volume 2, and common criminals and mental health patients yet to be identified as victims of deaths and enforced disappearances in the official initiatives’ discourses.

A former political prisoner and actor in public memory policies, former Federal Deputy Gilney Viana (PT) pointed to the separation of victims into categories as the biggest flaw of the CNV report. Viana has been engaged in the struggle for truth—he supported families of the disappeared in their campaigns (Brazil, CEMDP 2007, 36) and participated in investigative commissions organised by the social movements. He claims that “crimes against [the indigenous and peasants] were not recognised in the report. It created two categories (...) keeping the invisibility of those who have suffered the most. They were not in political parties nor belonged to left-wing organisations” (speaking to Éboli 2014b).

Historian Ricard Vinyes raises questions about ushering victims as the central element of analysis when dealing with past conflicts, especially when it obscures all other aspects of the past (2009b, 38). “A consensus is formed around the subject-victim on a need for reparation that is based on the physical pain endured, and not on the state terror practices implemented by the regime” (Vinyes quoted in Bauer 2014, 156). Historian Caroline Bauer thinks this has been a problem in the Brazilian case, contending that the emphasis on reparation individualised to each victim omits a whole spectrum of wider “political and social responsibilities towards the citizenry” as “society as a whole was affected by the dictatorship” (2014, 156).
How to deal with the past if society has been affected? The issue of the wider societal impact of the regime has been discussed by prominent actors within the Amnesty Commission:

haven’t we all been affected by authoritarianism, even if indirectly? The answer is yes. The “cleansing” of universities expelled professors and stopped some students from concluding their degrees, imposing a mediocre and acritical education on all of us (...). Censorship forced journalists into hiding, imposing misinformation on all of us. The prohibition of political organisation forced some into exile, imposing a less democratic society on all of us. (...) the right to memory is also a form of reparation (...) to a society that has had its self-determination, liberties and development hindered (Abrão, Torelly and Cruz 2012, 13).\(^{184}\)

Indeed, the impact of a lengthy military intervention has long-term effects on society and leaves behind ambivalent legacies, full of complexities and moral ambiguities. The reinterpretation of the national past depends upon a dialogue of memories and process of analysis of the previous regime to promote a critical appropriation of the past (Reis Filho, Ridenti, and Motta 2014, 7) so that socio-political authoritarian structures inherited by the democratic system can be eliminated (Groppo 2002, 188). Transitional justice initiatives should seek to consider of the root causes of the past conflict and the related violations of all rights, including civil, political, economic, social and cultural rights—of all human beings.

### 5.3 Strategies of Demontage: Dissociation from a Negative Past\(^{185}\)

Brazil’s authoritarian military regime was marked by the curtailment of citizens’ political rights and the restriction of civil liberties. Political opposition or even criticism of the regime was met with brutality from the security forces, with disappearances, illegal killings and torture used against those suspected of being dissidents. What started with a

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\(^{184}\) Rosane Cavalheiro Cruz has held many posts within the Amnesty Commission: Coordinator of Transitional Justice and Historical Memory Policy, Amnesty Memorial, and Projects and Partnerships Coordinator.

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coup in 1964 turned into a brutal regime, which ended with a negotiated process of step down and handover of power to civilians by the military.

The military only stepped down after steering the country through a long and complicated transition initiated after an amnesty was agreed. The 1979 Amnesty Law guaranteed a safe return to political activists living in exile and shielded from prosecution agents of the state who perpetrated human rights abuses during the regime. It is considered a central element in the process of returning Brazil to normality through Geisel’s ‘slow, gradual and sure relaxation.’

Changes to the Amnesty Law were off bounds in negotiations between the outgoing military officials and the incoming civilian political elite. Once this agreement was arranged, a distance between the two spheres was established. The military was not to interfere in politics, and politicians were not to interfere in military affairs (da Rocha 2011, 10).186

The immediate aftermath of the regime took place in messy historical circumstances. Although millions of Brazilians protested in favour of direct elections in 1984, the military staved off Diretas Já and an indirect election was held to form the New Republic in 1985. The first civilians in power since 1964 formed an interim government during which a new constitution was drafted and crimes perpetrated by the Armed Forces became taboo. Article 142 of the Constitution is thought to have “constitutionalised the coup d’État” (Arantes 2010, 213) by giving the Armed Forces the role of guarantors of the Republic and placing the institution “legally above the law” (Zaverucha 2017).

Immediately after the return to democracy, there was no social or political appetite for discussing the past. It took several years for the Brazilian federal government to implement projects to address the memory of the dictatorship, disown the 1964-1985 dictatorial regime and repudiate the crimes against humanity perpetrated on its behalf. Through the public memory policies presented in Chapter 3, the recent past is recalled, reassessed, and repudiated. Brazil’s reformed views of the dictatorial regime as mistakes generated attempts from politicians at all levels of government to demonstrate they were, so to speak, on the right side of history. This realisation or historical U-turn

186 The high level of autonomy of the Brazilian Armed Forces is noticeable for example in relation to the decision-making concerning financial expenditure and the education of cadets. It has enabled the celebration of the coup in military facilities until 2011 (when Rousseff prohibited the practice). In 2019 Bolsonaro reversed this decision.
characterises a revision of society’s newfound perceptions of the past in light of the particular historical ambitions currently being pursued (Bal 1999, VII; Gallagher 2010, 19).

Although publicly circulating discourses highlighting the wrongs committed in the past exist, at the same time other overlapping and incompatible interpretations about the recent past are also in the public domain. Even within Brazilian public administration, there are different interpretations of the past being propagated (Bauer 2017, 138; Teixeirensense 2017, 178). Napolitano classifies the situation as schizophrenic, as the Brazilian state harbours two discourses, “a memory critical of the military regime” and “institutional networks (...) that protect perpetrators” (2015, 27).

This section analyses the initiatives’ discursive strategy of demontage. First, it discusses the symbolic acts through which the official initiatives attribute a negative value to Brazil’s recent past—in particular, the dictatorial regime and its use of violence against political opponents. In a second moment, it offers an analysis of the strategies through which the official discourses dissociate themselves from the discourse and interpretation of the Armed Forces, discrediting their interpretation of the recent past.

5.3.1 Topos of a terrible period (*tempus horribilis*)

The systematic cruelty inflicted by state agents on Brazilian citizens during the regime earned the dictatorship the moniker of ‘Years of Lead.’ The security forces used torture sessions to intimidate and extract information from citizens perceived as possible enemies. *Torture in Brazil* (1985) was the first publication to offer horrific descriptions that include the use of ‘off the grid’ detention centres (such as basements and ships), sometimes referred to as ‘houses of terror.’ It became a bestseller.

Anyone declared by state agents to be a subversive or a terrorist was persecuted and at risk of being tortured. Thousands were detained without the right to have a person informed of their whereabouts. Survivors who talk about their experiences as political prisoners describe being physically and psychologically maimed by a wide range of techniques employed by the agents. Among other methods, they were made to undress

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187 A version of this section has been published as de Almeida, G. I. ‘Undoing Brazil’s Dictatorial Past’ in *Time and Temporality in Transitional and Post-Conflict Societies*, ed. by N. Mueller-Hirth and S. R. Oyola (Routledge, 2018).
in unlit cells in the presence of snakes (or dogs, mice, alligators or cockroaches); were given electric shocks and had their bodies perforated by drills, cutters, ropes, pliers or other tools. Many of the victims were young, educated (a large percentage of victims were students or recent graduates), urban middle class, left-leaning dissidents, male (possibly 20–25 per cent were women) committed to progressive social change. Some of them had joined armed guerrilla groups. The administration mistreated these individuals; suspects were detained without any evidence and trials were held in military courts without due process. They never stood a chance.

The past re-told in the Brazilian initiatives concerning the legacies of dictatorship draws attention to the violence inflicted by the military. As discussed in the previous section, human rights violations that occurred between 1964 and 1985 became the interpretive key and fundamental trait through which the post-1964 regime is memorialised through the Brazilian initiatives with emphasis on the memory of those who suffered political violence. As a result, the most recent military dictatorship is portrayed exclusively as a dark period, represented in a particularly negative light. The topos of the past as tempus horribilis is characterised by the use of “negatively connotated attributions, derogatory denotations” (Wodak et al. 2009, 36–42) to describe the regime.

Pejorative terms attributed to the 1964-1985 period in reference to the dictatorial regime evoke a dark, uncivilised and inhumane era portrayed as a succession of disgraceful events. The argumentation schemes deployed by the initiatives concerning the legacies of dictatorship apply these terms to the regime and the violence against civilians. They present a positive self-representation of the public memory policies, invoking negative notions of the regime by contrast.

The opening statement of the CEMDP report emphasises the need to address the past because of Brazil’s international ambitions:

To shed light onto the period of darkness and open all data about human rights violations that occurred in the last dictatorial cycle are urgent imperatives for a nation that legitimately claims a new status in the international arena and at UN ruling bodies (Brazil, CEMDP 2007, 9).

The report further characterises the regime as a “deplorable period of our republic” (Ibid, 18), a “tragic recent past of national political life” (Ibid, 47) and a “sombre period of history” (Ibid, 373). The PNDH-3 also uses this term for describing the years between 1964-
1985, deemed a “sombre period” (Brazil 2009). We should not forget the “pain, violence and death” (Ibid) formulation, which dominated the debate about the recent past promoted by its legal framework.

The violence of the state apparatus during the military dictatorship has been described by agents involved in the national memory policies in unambiguous condemnatory terms. Vannuchi has written about “the horrors of the post-1964 political repression” (2013, 356 emphasis added). Genro and Abrão have affirmed that their offices sought to “identify in the body of the state aspects of the judicial and political system that enabled the instrumentalization of men to turn them into machines of the destruction of their peers” (2010, 20). They also denied that their objective was to promote a “Manichean view that there was a linear ‘good’ and ‘evil’” (Idem). In the same vein, the CNV report highlights the “severity of the past violence” and the “deep suffering experienced [by victims],” and affirms that such events “have left an indelible trace in Brazilian society (…) a traumatic heritage that not only remains but is being passed on to future generations” (Brazil, CNV 2014a, 426).

An Amnesty Commission publication is unsparing in its condemnation of the military. It describes post mortem amnestied Edgard de Almeida Martins as someone who was “persecuted and barbarically tortured” (Brazil, Justice Ministry 2007, 74) without specifying who was responsible for the crime. That information can be inferred from the context: Martins had been an important member of PCB, and the involvement and responsibility of Armed Forces officials is such a recurring trope in the discourse of the Amnesty Commission that the fact is not even mentioned—it goes without saying that a PCB militant killed during the regime would have been a victim of the military. Minister José Eduardo Cardozo and Paulo Abrão also employed the term “barbaric” to describe the violence of the regime against its opponents. They declared that “memory has a key role to play in deterring the banalisation of intolerance and injustice, and in ensuring that such barbarous acts do not occur in the future” (2011).

On the 50th anniversary of the coup, CNV described the legacies of 1964 as “tragic”: confronted with the tragic legacy of 1964, fifty years later, Brazil is literally another country (Brazil, CNV 2014d, emphasis added). The commissioners affirm the discontinuation of the past state of affairs, suggesting that the country has changed once it initiated the process of redrafting the social memory of the dictatorial regime. The idea is characteristic of
transitional justice and memorial discourses and indicates that such mechanisms want to break with the past and somehow reverse the evil victims have endured (Teitel 2000).

In other words, the post-1964 regime is characterised as a sombre, deplorable period of deep suffering in which barbarous acts were perpetrated that have left Brazil with a tragic legacy. The act of reconsidering the past and repudiating it; reaching the conclusion that it should have been different—its negation and neutralisation—thrushes those who regret the past ever happened into a new outlook; it is a deliberate act of self-improvement. Among its positives, philosopher Linda Radzik includes changing “the moral significance of the past action” and establishing “a commitment to better values” (2009, 62–67).

Attempts to repair a society’s present view of its past carries the distinct will to resignify and produce new historical representations. The Brazilian process has been summed up by CNV commissioner Rosa Cardoso as the abandonment of a process of barbarism for a civilizational process (speaking to Planalto 2014). Looking back and revisiting the past is supposed to have changed the course of Brazilian history. Section 5.4 focuses on the transformative aspect of past-focused discourses in light of the recommendations put forward by CNV. For now, let us continue to understand what occurs when a part of the past is designated as negative.

A historical present’s process of recalling, revaluation and repudiation of a past that has come to be understood as regrettable may result in a change on the meaning of the past, how it is perceived and interpreted in the present. This possibility of altering interpretations of the past exposes the “interpretive fluidity of history” (Weyeneth 2001, 38), the fact that at each historical moment, the past is perceived anew.

Certain symbolic retrospective gestures and other measures to right past wrongs can be said to attempt to undo the past and project a ‘better’ future. A diverse temporal dynamic emerges in periods of national redefinition in which societies work through a regrettable past, a past that is no longer agreeable with a lived present and its correlate future. The emerging concept of time is one in which temporal categories are interlinked and engaged in a formative relation that is contingent and continuously in flux.188 Having

188 In particular, Edgar Morin’s formulation of a complex temporality comes to mind: “there is always a retroactive game between past and present in which not only does the past contribute to the knowledge of the present, which is obvious, but also the experience of the present contributes to the knowledge of the past, thus transforming it” (Morin 1986). For a survey of alternatives and a defence of ‘pluralising’ the past, see Zeitlyn, D.
said this, the process of modifying the past under consideration is not an outlandish attempt to travel in time or some quixotic backward causation project. It is much simpler than that: this is one of the ways in which, at any given present time, perceptions of the past can be changed in order to make it seem as if it had never happened.

The new nexus that results opens a (future) possibility that had not existed until that moment and brings to light a complex pluridimensional, non-linear temporal relation between past, present and future. Somewhat more elaborately put:

given alternative modes for structuring what happens, changes in descriptions can alter relations among events imputed to a past, and so how a past thus structured impacts what becomes possible going forward. A plurality of pasts results because constituting a past depends to some degree on socially mediated negotiations of a fit between descriptions and experience (Roth 2012, 340).

In Brazil, the plaintive view and negative perception of the dictatorial past have had an impact on the political agenda. High-ranking military authorities once were considered worthy of commendation became persona non gratae, public spaces have been renamed and statues have been torn down. New monuments and memorials have been constructed commemorating individuals who opposed the regime.189

CNV named names and attributed responsibility for crimes against humanity to the chain of command. One person on that list is former military president Gen. Costa e Silva. Only days after the report’s publication, a bust erected in 1974 in honour of the official in his hometown of Taquari was torn down. Amid controversy and much debate, mayor Emanuel H. de Jesus declared that the city would “no longer pay homage to a person who (...) does not deserve to be honoured” (quoted in Panke 2014).

Costa e Silva’s fall from grace is part of a wider debate over who to commemorate and honour—and how to put right the wrongs of the past. Political leaders in Sao Paulo and Brasilia have legislated on the issue, marking in an attempt to eradicate the names of military officials known to have perpetrated human rights violations from city maps. A step in this process was the renaming in 2015 of Brasilia’s ‘Costa e Silva’ bridge to honour

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189 One of the projects funded by the Amnesty Commission’s Traces of Memory (entitled “Trilhas da Anistia – Marcas de Caravanas e Recontes de Histórias”) consisted in the creation of symbolic monuments to memorialise resistance movements that opposed the dictatorship. Examples can be found in Recife, Sao Paulo, Rio de Janeiro, Porto Alegre and Belo Horizonte. See Pozzobon, C., Balem, T. and Duarte, R. (2013). ‘Trilhas da Anistia: memória feita de aço.’ Revista Anistia Política e Justiça de Transição 10, 518-533.
student leader Honestino Guimarães, who was killed by the military.\textsuperscript{190} Three years after the change, a court order reverted the action, and the bridge’s name was reverted to Costa e Silva. The legal battle for renaming the bridge is symbolic of memory disputes in the country. Many public spaces and institutions still carry the names of military officials.\textsuperscript{191}

One reversal yet to occur is the removal of honours for services for the nation and the Armed Forces when the ‘services’ included committing crimes against humanity. Perpetrators have been allowed to keep any gains from crimes committed during the regime, including prestigious honours, promotions, good wages and pensions—even after the ‘bare-bones facts’ of the crimes they perpetrated during the regime have been disclosed by CNV. Jurist Fábio Konder Comparato has been a critic of the fact that honours bestowed upon Lt. Col. Dalmo Lúcio Muniz Cyrillo (head of the São Paulo DOI-CODI), were never revoked (Comparato 2001, 36). Cyrillo was awarded a Medalha do Pacificador (“Peacemaker’s Medal”) in 1973 and twenty years later received a knighthood from President Itamar Franco.

The perspective that desensitised perpetrators saw themselves as ‘team players,’ and part of a large state-sanctioned system affirmed by the CNV report (Brazil, CNV 2014a, 962–64) is echoed by recent research into honours perpetrators received during and after the regime. Historians Mariana Joffily and Maud Chirio found that state agents decorated with the Peacemaker’s Medal received the honour not despite their involvement in the repression, but because of it. The authors argue that in the worldview and logic of the Armed Forces, “peacemaking takes on the meaning of quelling by force demonstrations that threaten the status quo” (2014, 462).\textsuperscript{192} They quote from documents from the regime to explain the large number of medals to DOI-Codi personnel (90 medals over 3 years): “[they] received the Peacemaker’s Medal with Distinction, for having been

\textsuperscript{190} It is common for the renaming procedures to go from honouring a military official to memorialising individuals who have been persecuted during the dictatorship. In 2016 the ‘Elevado Pres. Costa e Silva’ (in Sao Paulo) has been renamed ‘Via Elevada Presidente Joao Goulart.’ In Rio de Janeiro a proposed law will rename the Rio-Niteroi ‘Costa e Silva bridge’ to honour ‘Herbert de Souza,’ a sociologist and political exile.

\textsuperscript{191} Just to give an idea of the extent of this issue, in 2012 an educational census identified 717 schools in the country named after one of Brazil’s five military presidents (Uol 2014).

\textsuperscript{192} Volume 1 of the CNV report confirms that “during the military regime the Peacemaker’s Medal was often conferred to those who were active in the political repression” (Brazil, CNV 2014a, 874).
in combat several times, always showing discipline, obedience to superior orders and practicing acts of bravery” (SISSEGIN quoted in Joffily and Chirio 2014, 462).\textsuperscript{193}

The Brazilian Congress tried to distance itself from past cooperation with the military dictatorship. One of its attempts to correct past injustices has been the symbolic devolution of mandates of members expelled from office during the regime. With only one vote against the motion, the gesture signalled that the 2012 representatives considered the past collusion with the military as something that should never have happened.\textsuperscript{194}

An important symbolic retraction was the annulment of the 1964 session in which the president of the Senate made the declaration that ended João Goulart’s presidency, paving the way for the coup d’état (Brazil, National Congress 2013). Effectively, it was as if Congress had turned back time and corrected its entry in the annals of history. As if Goulart, who had been ostracised and died in exile, had never been ousted; a parade was held in Brasilia and he received full state honours when his remains were exhumed. Emblematically, Senate leader Renan Calheiros declared the tribute “an opportunity to erase a stain in Brazilian history” (Ibid, 53).

5.3.2 Discrediting the self-identity of ‘established officials’

Focusing on human rights violations perpetrated by Armed Forces’ officials, the memory propagated by the public memory policies offers an exclusively negative conceptualisation of the dictatorship years, casting the military as ‘villains’ of Brazil’s past. As discussed previously, officials express frustration for having lost Brazil’s ‘memory wars’ and in their own worldview do not see themselves as ‘the bad guys.’ They continue to maintain that “they were responding to a demand from society to ‘save the country’ from a communist threat” (D’Araújo 2014, 2).\textsuperscript{195}

\textsuperscript{193} SISSEGIN stands for Homeland security (Sistema de Segurança Interna no País).
\textsuperscript{194} The vote against the motion was by Federal Deputy Jair Bolsonaro.
\textsuperscript{195} This issue was discussed in Chapter 2 (above). There is consensus among historians and political theorists that the coup was a military action carried out with civilian support—especially the wealthiest in society, “businessmen, technocrats, judges and politicians” (Napolitano 2018; see also D’Araújo 2014, 2 and Motta 2015). In recent years, it has become fairly common for authors to refer to the dictatorship as a “civil-military regime.”
The initiatives concerning the legacies of dictatorship have opposed what they refer to as ‘the official version of events,’ that is, the version drafted during the military regime which stood as the official interpretation of the past until the democratic federal government became more active and started conducting actions of memory from 1995 (if not later). Owing to years of false information, silence and denial imposed by the military, many aspects of the dictatorial period were never accounted for. Establishing the factual truth has been a necessary aspect of the initiatives concerning the legacies of dictatorship, CNV being the most relevant mechanism for this purpose.

The initiatives of the federal government attempt to undo the falsifications left behind by agents of the regime, and reconstruct the national past through the version of the political persecuted, informing Brazilians about human rights violations occurred in the recent past and constructing a “consensus over the existence and severity of these violations” (Abrão and Torelly 2014, 72-3). Their starting point is that false data was provided as true by regime officials, in particular about the deaths and forced disappearance of regime opponents. The untruthful information was registered in documents (such as medical reports and the press). In unpicking this web of misinformation and deception and informing present-day Brazilians of crimes of the past, the initiatives act to extricate the official discourse about the dictatorial period from the Armed Forces’ version of events. The CNV report, for example, is clear in its rejection that the crimes were isolated acts committed at will by a few military personnel, which commissioners claim is “the explanation used by the Armed Forces to this day” (Brazil, CNV 2014a, 963).

A victim-centred retelling of the past has been deemed as a crucial task by the official initiatives concerning the legacies of dictatorship of the Brazilian government. The initiatives have consistently signalled their disapproval of the Armed Forces’ narrative and the institution’s present attitude towards the past. The truth commission did this by conferring “public status to a version constantly denied by the military” (Brazil, CNV 2014a, 28). The Amnesty Commission also affirms its stance of “facing the

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196 Even though by the time the commissions’ investigations had started it was already known by most that there had been violence against civilians during the military dictatorship perpetrated by state officials, because of the 1985 bestselling Torture in Brazil report. The projects designed by the Brazilian federal government add official acknowledgement of a past that had been silenced.
denial of the repressive agents (...); [and] reconstructing historical episodes that used to be told as official versions but were factually untrue” (Abrão and Torelly 2014, 72-3).

The task of exposing the lies of the regime was initiated at the federal level by CEMDP: “the lack of documents, the analysis of conflicting versions, blatant contradictions and untruths became the centre of CEMDP’s work” (Brazil, CEMDP 2007, 109). There are many instances in which the commission acted to “disassemble the official lies of the repressive agencies” (Ibid, 41)—that is, events made public at the time that upon analysis turned out to have been false. Civilian Antônio Raymundo de Lucena’s case is an example. He was killed while being arrested by military police officers in 1970. The CEMDP report notes that “truth was not a constant presence in the documents pertaining to the original case file (...) reports and hearings were often forged in police and legal investigations from the period (Ibid, 118-9).”

The death of the “strongman” (Ibid, 142) of the armed leftist group Aliança Libertadora Nacional (ALN) Aldo de Sá Brito Souza Neto (1971), is described as a “farce set up by the security force to cover up for violence and torture against political prisoners” (Ibid, 142). A necropsy recorded that he died because of a bullet wound, following an exchange of fire with security officials. CEMDP investigations, however, affirm that he was killed under torture. The press at the time published another version of events, that Aldo had been arrested. According to the 2007 report, at the time the CODI justified the release of incorrect information, affirming it had been “a counter-information manoeuvre by the security forces (...) a plan to bring panic to ‘terrorists in liberty’” (Brazil, CEMDP 2007, 143).

The Marighella case has always captured the headlines.197 In its analysis, the CEMDP report focuses on finding out whether he died in a confrontation with the security forces (as official documents claim) or was illegally executed. Coroner N. Massini reported that it was not possible for Marighella to have died in an exchange of fire (...). The death of Carlos Marighella does not correspond to the official version released by police agents at the time (...) there was no shoot-out (...) Carlos Marighella (...) was shot point-blank range by the police when he was already under their control (Ibid, 109).

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197 According to Marighella biographer Mário Magalhães, the militant was always harshly criticised in the national media while being warmly received in the international press (fHist 2013b, 26). See note 151 above.
Investigations into the real circumstances of the death of their loved ones are important for relatives of fatal victims. As we have discussed previously, repressive agents recorded untruthful information, stating for instance that victims committed suicide or that they died while trying to escape justice. There are reports of officials falsely claiming that regime opponents had left the country and made new lives for themselves elsewhere—many relatives were only sure their loved one had passed after the 1979 amnesty, when they never returned home. The CNV report offers an account of how the officials operated:

The homicides were committed by security officials in arbitrary and illegal circumstances (...). Crimes were committed within structures of the State apparatus, on victims in their custody, even if [they occurred] outside of a police or military compound, in clandestine places of torture and executions, most deaths occurred as a result of torture when prisoners were subjected to lengthy interrogation sessions. To hide the real circumstances of these killings, the security agencies staged false shootouts, or simulated suicides and accidents (Brazil, CNV 2014a, 438).

This situation has in some cases been ratified, with new death certificates being provided that disclose that the victim was killed under torture. This happened in another famous case in Brazil, that of journalist Vladimir Herzog, assassinated by the regime in 1975. Truth commissioner Paulo Sérgio Pinheiro considered the Brazilian state’s official acknowledgement of his killing by the regime and issuing of a corrected death certificate a “huge victory for the family” and affirmed that “both CNV and CEMDP will continue to work in this area; a country as important as Brazil in the international sphere cannot keep lying about 21 years of its history” (Brazil, CNV 2013). CNV commissioner Maria Rita Kehl (who is a psychoanalyst) also remarked upon the importance for relatives to learn about the fate of their loved ones:

Overcoming that past (...) means to end the trauma. And when does the trauma end? No one knows. When will the pain of fathers, mothers, siblings, grandparents who look for information about their loved ones? Were they killed, did they run away? That was the ultimate cruelty of the military officials who took part in this regime (quoted in Gugliano 2014, emphasis added).

Unlike the reparation commissions, CNV had a mandate and the structure to investigate crimes committed by agents of the dictatorial regime. Their analyses disclosed further details of the modus operandi of the regime’s security forces. For example, in the “Case of the 9 Chinese,” when Chinese citizens were arrested, tortured
and expelled in 1964 falsely accused of conspiracy and subversion. According to CNV commissioners, there were many irregularities: “lies were told about the reasons the Chinese were in Brazil, the authorities referenced non-existing evidence, and the translation of texts found with the Chinese was forged” (Brazil, CNV 2014a, 99, emphasis added).

Whenever possible, the initiatives concerning the legacies of dictatorship of the Brazilian federal government signalled their disapproval of the attitude of the Armed Forces towards the recent past. Rather than characterise the military as true democrats, they are represented as violent torturers and deceitful liars who intentionally forged and documented events wrongly to ensure crimes against civilians perpetrated by officials in their ranks would go unacknowledged and apologised for.

The Armed Forces continue to give no indication of regretting those events. The institution that ruled Brazil and constructed the legal, political, social and psychological structure that made abuse of power and a culture of impunity possible is yet to atone for its wrongful actions. It never accepted the legitimacy of the truth commission or its results. As long as it does not display a more contrite attitude towards the recent past, calls for turning the page on those events and official discourses about the regime grounded in the imperative of non-repetition will continue to sound hollow.

CNV commissioners have maintained that they wished to see an institutional acknowledgement by the Armed Forces of its responsibility for the crimes committed during the regime. This, in their view, would be an important step for Brazilian democracy: “it would make way for overcoming the past for once and for all, permanently consolidating its commitment with the democratic rule of law and fully reconciled with Brazilian society” (Dias et al. 2014). Commissioner Maria Rita Kehl recognises a certain unease on the part of the Armed Forces in relation to CNV because of such demands: “the military claim that we have stained their image (...) [but] their image has long been stained. They are the only ones who can clean it” (quoted in Gugliano 2014). High-ranking officials have not welcomed such declarations.\(^\text{198}\)

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\(^\text{198}\) The Armed Forces’ rebuke of the CNV might explain Dilma Rousseff’s more contained tone when delivering a speech to officials in 2015: “Brazil counts on your commitment. You are an example and models to the women and men who will lead in future. Under your leadership, our Forces will continue to be essential to the construction of a safer, stronger, fairer and more democratic Brazil” (quoted in Lourenço 2015).
Sociologist David Barbosa de Oliveira has investigated the military and their perception of discourses of initiatives concerning the legacies of dictatorship; his investigations into the symbolic identities within the Armed Forces identified two groups, ‘established’ and ‘ousted’ military officials (de Oliveira 2016). The latter did not support the regime and were discharged at the time (having since been amnestied), while the first group consists of officials who stayed in the military through the 1964-1985 period and to this day argue in favour of the regime. Established officials see themselves as members of the same institution as past officials and continue to claim that the regime was justified and good for the country, making patent their elitist assumptions that officials “were morally superior, better prepared [and] more patriotic” than civilian politicians (D’Araújo 2014, 2). They were found to “reproduce the dominant thought in the Armed Forces” and hold what de Oliveira refers to as the “paradigmatic military identity” (2016, 98-103).

The disputes within the two groups concern the past (the events of 1964) and the present (the process of application for amnesty). Established military officials dismiss ousted military officials as ‘disorderly’ and ‘lawbreakers’ while amnestied officials refer to the other group as ‘golpistas’ (‘coup-makers’), ‘followers of the guys from 1964’ and ‘torturers’ (Ibid, 111-2). Established officials consider the Amnesty Commission and CNV deceitful and ideologically controlled. The initiatives are said to “produce a commotion, even irritation and anger among the established military, who want to weaken the results of these commissions” (Ibid, 111-2).

A combination of factors makes it clear that the institution neither condemns the past nor can be coerced into expressing contrition. The military has passed down to each generation of new recruits their justification for the regime, including claims that there was a war against an internal enemy which in their view establishes “the political and


200 One term the officials employ regularly to refer to the governmental initiatives, left-wing politicians and the media is “revanchista” (“vendetta attitude”), by which they mean that it is a biased process. Retired Gen. Luiz Eduardo Rocha Paiva’s inflammatory views on the CNV offer an example of the language used by former officials when discussing the official initiatives concerning the legacies of dictatorship: “the partisan and Manichean version of this Commission that blindly serves the interests of the government may be an official story, never the truth” (Paiva s.d.). See also Brazil, CNV 2014a, 402; and Castro, C. and M. C. D’Araújo, eds. Militares e política na Nova República (FGV Editora, 1999), 23-4.
ideological legitimacy of their struggle” (Chirio and Joffily 2016, 30). The institutional silence of the Armed Forces enables the mythical interpretation of the regime as a ‘democratic revolution’ to persist, their veiled consensus reinforcing the topos that ‘they did what needed to be done.’ This means young cadets are still taught about the officials who waged a so-called ‘democratic counter-revolution’ that saved the country from communism and chaos in 1964.

Why are the Armed Forces so antagonistic to official initiatives concerning the legacies of dictatorship? The dominant attitude in the Armed Forces has been not to publicly acknowledge the use of torture by the regime. The institutional silence about the practice indicates awareness that their acts were illegal and would not be viewed positively by the public opinion (Oliveira 2011, 13). In the cases when there have been exceptions to the general principle of non-recognition of torture, and established officials have acknowledged the practice, they have indicated not sharing the moral standpoint exhibited by the governmental initiatives—namely, that torture is wrong, under any circumstances (Brazil, CNV 2014a, 46).

As discussed previously, Gen. Ernesto Geisel claimed torture was used “to obtain confessions and (...) avoid a greater evil” (speaking to D’Araújo and Castro [1997] quoted in Brazil, CNV 2014a, 105). Gen. Adyr Fiúza de Castro similarly claimed torture “is valid under certain situations to obtain information” (speaking to D’Araújo et al 1994b, 73). Col. Paulo Malhães told truth commissioners “I did my duty” (quoted in Daltoé 2016, 162). President Jair Bolsonaro defended the practice many times. In 2008, during an argument with human rights activists, he said that “the error of the dictatorship was to torture and not kill”—the polemic statement was repeated during a radio interview in 2016.

Rather than apologise about the crimes committed against civilians, established officials opt for silence on the issue and, should it emerge in the public arena, they display

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201 The 1967 Constitution issued by the regime states (art. 150) the inviolability of the right to life, clause 14 “imposes (...) the right to physical and moral integrity of detainees.” The 1988 Constitution (art. 5) affirms explicitly that “no one will be torture or undergo inhuman or degrading assaults.” Torture was classified as a crime against humanity in 2002, when Brazil ratified the Rome Statute of the International Criminal Court.

loyalty to the institution of the Armed Forces. Regime supporters often claim that the role of the Armed Forces and the events of the past have been unfairly committed to memory, and that the governmental initiatives fail to fully appreciate the circumstances under which the old regime was operating—i.e. contending a communist threat, their idea being that the country was in a state of war against terrorism and subversion (Huggins 2000). Although historians dispute the view that there was a state of war and dismiss claims of a ‘red danger’ as severely flawed and overstated (armed actions were few and the situation was soon controlled by the military), they grant that the armed guerrilla groups “were of the left and were radicalised” (Fico 2017, 12).

The military suggested repeatedly that the crimes ‘on both sides’ should be investigated, not exclusively those perpetrated by the security forces. The Armed Forces’ distorted justification for the violent repression during the regime is often based on the idea that radical leftist militants were not innocent victims but had sowed violence. Although the law that created the truth commission stipulates that gross human rights violations perpetrated between 1948 and 1988 should be investigated, the first decisions taken by the CNV were to investigate only the crimes committed by state representatives and to focus on the dictatorship years, between 1964-1985.

The decision to investigate exclusively crimes committed by “public agents, persons working for them, with the support of or in the interest of the State” (Brazil, CNV 2012, 6) had the effect of removing from the narrative frame of the commission the so-called crimes of the left and delivered a heavy blow to the discourse of established officials, further discrediting the paradigmatic military identity. Many members of leftist groups were punished for their crimes, they were imprisoned, tortured, some were killed by the regime, while military officials who committed crimes have not been prosecuted by the Brazilian judicial system.

Kehl classifies the crimes committed by militants fighting the dictatorship as ‘non-political’ as they were judged under common law. Speaking recently, she claimed serious

203 The expression ‘crimes of the left’ is employed in Brazilian memory discourses when addressing violent incidents and criminal conduct carried out by members of the opposition to the regime in their fight against the military. Their crimes include homicides, armed robberies and kidnappings of foreign diplomats. These crimes are likely to have been investigated at the time and are not investigated or taken into account by the governmental initiatives. Military Clubs (i.e. retired Armed Forces officials) estimate that leftist militants killed 126 agents of the security forces during the dictatorship—this number has not been confirmed by the initiatives concerning the legacies of dictatorship.
Crimes were committed only “occasionally” but still clearly stated that “we do not approve of them” (speaking to Tutaméia TV 2019). Crimes committed by leftist militants tend to be evaded in documents of the initiatives concerning the legacies of dictatorship. A categorical and clear stance against all violence is absent from their discourses. The CNV report’s silence on the issue is particularly concerning, given that it cites Guilherme Gomes Lund’s defence of revolutionary violence without ever making known its stance on the issue.

Discursive strategies were used for the omission of crimes committed by leftist groups, including euphemisms and suppressing information and events. One example is the death of Helenira Resende de Sousa Nazareth, a guerrilla killed in the Araguaia region by the regime. The Arroyo Report (1974), a report written by leftist militants, describes her death as follows: “Helenira shot with a rifle and killed one. The other military fired from a machine gun and hit her. Wounded, she got her handgun and shot the soldier, who must have been hit. She was arrested and tortured until she died” (1974, 6).

The description of Nazareth’s death in the CNV report is different. There is no mention of the killing of a soldier: “the Arroyo Report describes that (...) Helenira came across officials of the Armed Forces and shot at the soldiers with a rifle. Then one of the soldiers shot the guerrilheira with a machine gun, she was arrested and tortured to death” (Brazil, CNV 2014c, 1044). CNV cites the Arroyo Report, making it evident that truth commissioners had the information that Nazareth had ‘killed one’. It was a choice of CNV commissioners to suppress that information from the official document.

CEMDP offers a slightly different account, “known as Fátima in the region, she was part of Detachment A of the guerrilla (...). She would have killed a military official and wounded another [“Teria matado um militar e ferido outro”] before she was wounded and killed. Shot with a machine gun on the legs and tortured until her death” (Brazil, CEMDP 2007, 213). Details of the killing of an official are not included, even though the details can be found in the Arroyo Report which is cited as a source by the CEMDP. The use of the

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204 Tarso Genro (then Justice Minister) defended this position in 2008, arguing that those who took up arms against the regime “cannot be deemed terrorists (...) a terrorist act may have happened here or there, but there was not a single organisation that employed terrorist methods and practices permanently” (quoted in Alencar 2008).

205 In a letter to his family, Lund wrote: “the unjust violence generates the just violence. The reactionary violence is unjust, while the popular violence is just because it is in favour of progress and social justice” (Brazil, CNV 2014a, 680).
past modal form (would have killed/teria matado) expresses an assumption or a presumption; putting into question or as not certain the events described as having occurred in the past. Also, there is no mention of Nazareth being taken from the scene (‘arrested and tortured’ in the CNV report), rather it is implied that she died in the place where the exchange of fire occurred.

Carlos Lamarca’s defection from the army is another example of how crimes committed by leftist militants are described in official reports using euphemisms. Let us compare three accounts: (1) “In January 1969, already acting as a militant of VPR, [Lamarca] led a group of soldiers of the 4th Infantry Regiment (…), who deserted that unit taking with them 63 rifles and light machine guns that were supposed to be used in the armed struggle against the dictatorial regime” (Brazil, CEMDP 2007, 180). (2) “Having accomplished a spectacular break from the 4th Infantry Regiment of Quitaúna, in which he took with him an arsenal of 63 rifles FAL, Lamarca joined VPR” (Brazil, CNV 2014b, 337, note 79); (3) published in the media years later: “Lamarca, who had joined VPR (…) left Quitaúna with 63 rifles, ten machine-guns and ammunition” (Folha de São Paulo, 2007).

There are clear discrepancies between the versions. CEMDP and CNV disagree over whether Lamarca acted alone or with others (depersonalising the action), if he joined VPR before or after the action, and which weapons were taken. The use of the expression “take weapons” as opposed to “steal” them (employed by Folha de São Paulo) is a euphemism.

Why do the government’s initiatives feel there is a need to portray victims as blameless, circumventing the truth that some resorted to criminal actions in the course of their political struggle? If victims were sometimes guilty, they had motives that were readily understandable in context. Plus, their actions have been investigated during the regime. Those found guilty have been prosecuted and in many cases, served their sentences.206 Officials discussing the Lamarca case often mention the killing of young recruit Mário Kozel Filho: “Lamarca was an Army Captain (…) who deserted (…) and became a guerrilla. His first action was to kill a sentinel so he could steal weapons—a young man doing the mandatory military service” (Vice Adm. Serpa quoted in Castro and d’Araújo 1999, 198).207 The killing of the young recruit is not mentioned in official reports.

206 Leftist militants serving time for either blood crimes or offences against National Security were not released from prison after the 1979 Amnesty Law (as discussed in Section 2.5 above).

207 Carlos Lamarca was the leader of VPR, organisation that carried out in the strike that resulted in the death of Mario Kozel Filho. Lamarca’s family has received reparations by the federal government, while Kozel’s family
Clear condemnatory terms are employed when the government’s initiatives discuss actions taken by the Armed Forces against political opponents, but the crimes committed by the political persecuted are debated in more elusive terms. The severity of their violent acts tends to be downplayed.

In discussing the Brazilian situation, political scientists have called for a more professional attitude by Armed Forces officials. This involves distancing the present and future cohorts from the indefensible crimes committed during the dictatorship, so an internal discussion of the position of the Armed Forces within the state and society can take place, followed by a “reintegration of functions considered legitimate of the Armed Forces” (Dreifuss and Dulci 2008, 25—26). However, exchanges between the Armed Forces and Brazilian initiatives concerning the legacies of dictatorship have not evolved around societal goals, their role in society, or what to do with perpetrators in their ranks.

So far, any attempts to shift the debate about the regime and the Amnesty Law has been met with disapproval by the Armed Forces, and the institution gives signs of being unwilling to abandon its laudatory view of the military regime. D’Araújo affirms that the Armed Forces have since 1979 exerted a “stable veto power” over the Amnesty Law. Any proposed changes to the law have been the source of military manoeuvrings to maintain military prerogatives and influence democratic institutions and elected politicians (D’Araújo 2012a). As discussed previously, the installation of the truth commission was contested and the law proposed by civil society was amended to appease the military officials and secure its approval (Schneider and de Almeida, 2018). Lawsuits were filed to stop CNV from going ahead and during the investigations, officials were not forthcoming to collaborate with the commission (Carvalho et al 2016, 37; Chirio and Joffily 2016, 13). Armed Forces Commanders were present for the announcement of the establishment of CNV in 2012, but the Forces were represented at the closing ceremony in 2014 only by the Defence Minister Celso Amorim.

As discussed previously, the laws that established CEMDP and the Amnesty Commission ensure the participation of representatives of the Armed Forces in the

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208 Abrão and Torelly seem to disagree with this view, being of the opinion that the transitional justice measures have increased social awareness to such extent that “the pillars of denial and forgetting have been corroded, only the pillar of impunity remains” (2014, 75).
decisions of each commission. CEMDP decision-making protocols involve deliberations in the presence of one representative of the Armed Forces and one representative of relatives of victims. Law 10.559 states that “Amnesty Commission members (...) shall include (...) a representative of the Ministry of Defence (...) and a representative of the amnestied” (Brazil 2002a).209 CNV was the first major initiative to deal with the memory of the military dictatorship without a representative of the Armed Forces in its decision-making bodies. CNV has been hailed as “a game changer in civil-military relations” for precisely this reason (Torelly 2018, 9).

The absence of a military representative or regime supporter in the commission contributed to CNV’s overall distanced approach in relation to the Armed Forces. During the two and a half years it was active, the institutional dialogue CNV developed with the Armed Forces focused on gaining access to information and clarifications concerning deaths and disappearances occurred in military facilities. Armed Forces officials have not engaged positively with the construction of historical representations by the federal government’s initiatives—in some cases, the Access to Public Information Law was used to force the military to cooperate (Brazil, CNV 2014a, 64; 22). Only a small portion of the more than 80 requests was reported as useful to the investigations.

Requests issued by CNV were met with either silence or conflicting versions of events.210 Only a small number of military officials spoke to CNV. Historians Maud Chirio and Mariana Joffily investigated their attitude when giving statements and found that when facing the commissioners, perpetrators were not in a comfortable position:

For perpetrators, to have to answer to the state, which had been the source of their omnipotent power, to have to say something about their many crimes and victims, sometimes having to face individuals they or their colleagues had tortured was (...) [was] a symbolic punishment, a humiliation (Chirio and Joffily 2016, 30).

According to the truth commission report, a common trope in their statements was that they were following orders (Brazil, CNV 2014a, 364). Chirio and Joffily concluded that “the [CNV] institutional framework did not give perpetrators the same level of attention

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209 The presence of military officials in the decision-making bodies of the reparation commissions is an under-discussed aspect of the Brazilian initiatives.

210 As mentioned previously, in 2014 Army Commander Enzo Peri ordered officials not to reply to requests of information without his approval.
granted to victims, on the contrary, it was about framing and strictly limiting their voice, and especially their justifications and reconstructions of their own identity” (2016, 30).211

Despite handling communications with the Armed Forces as a matter of high importance, CNV could neither compel the military to hand over documentation regarding the dictatorial regime nor obtain “a clear and unequivocal recognition of the involvement of the Armed Forces in cases of torture, death and disappearances” (Dallari quoted in Gugliano 2014). This puts the Brazilian state in a contradictory situation, as it has recognised its responsibility in violations of the rights of political opponents perpetrated by Armed Forces officials, while the Armed Forces are yet to acknowledge any wrongdoing in relation to the same crimes.

A small victory by CNV was the non-denial of the Armed Forces of crimes under investigation. In a final attempt to obtain an acknowledgement from the Armed Forces, CNV issued the Brazilian Army, Air Force and Navy clarification requests, asking whether the payment of reparations by the Brazilian state for dissidents tortured in military compounds was a misuse of public funds. The replies took the Armed Forces’ rhetoric to a new level. Each of the forces released statements declaring they were not able to deny the information disclosed by CNV. The Army Commander declared they were not at liberty to refute decisions made by the state; the Air Force Commander, that they could not deny atrocities recognised by the state; and the Navy Commander claimed they could neither deny nor confirm the violations CNV enquired about (Brazil, CNV 2014a, 65).

Truth commissioner Rosa Cardoso expressed disappointment over not being able to progress further and getting the Armed Forces to acknowledge their wrongdoing. She considers their silence worrying and continues to see “a strong denial from the Armed Forces concerning anything related to the dictatorship and the repression” (quoted in Pignotti 2014). Having on many occasions criticised the culture of denial of the Armed Forces, Pedro Dallari was also frustrated by the institutional replies received. Defence Minister Celso Amorim saw progress in the exchanges: “this is how it goes: first denial,

211 On negation and denial, see also Leigh Payne’s two chapters on the Brazilian case as part of her book on confessions of state violence: ‘Silence’ and ‘Fiction and Lies’ (2008). Mateus Pereira’s analysis of military denial through changes in Wikipedia entries during the period the CNV was operational (Pereira 2015).

212 Glenda Mezarobba was involved in this effort and believes that even though “not a single case of forced disappearance or death was resolved” it was a positive development that questions were asked to the Ministry of Defence and the Armed Forces (Mezarobba 2015, 5; Brazil, CNV 2014a, 63).
then non-denial, then recognition and then apology; [CNV] managed to move things forward, going from ‘denial’ to ‘non-denial’” (Dallari reporting on Amorim’s explanation apud de Hollanda 2015, 303). The CNV report reflects both views:

it is positive that the Ministry of Defence and the Armed Forces have not contested the official acts of the Brazilian state in giving official acknowledgement of gross human rights violations committed in military areas, nonetheless, CNV regards this position insufficient (Brazil, CNV 2014a, 66).

The understanding of memory-as-discourse demands that we view memories as social constructions. Official discourses about the past engage with other discourses in circulation, that of political actors, activists, artists, historians and engaged citizens who ‘remember’ in ways forged through the contestation of contradictory historical interpretations. These discourses compete to achieve a critical mass for an alternative understanding of events—interpretations considered desirable or plausible in the logic shaping a historical present. Their relationship is dynamic: cultural memory is plural and conflictive, and public debate about the memory of the dictatorship takes place among prejudices, false assumptions, dissonance and disconnection. Individuals can think differently and change their mind about an issue; public opinion can change, too.

Even though the raw, ‘bare-bones facts’ (as Dallari put it) about crimes perpetrated by regime officials are in the public domain, Brazilians are still left with the complex tasks of interpreting them and navigating conflicting representations of the past. Once insurmountable evidence has been produced and collated by the governmental commissions, the crimes committed by the regime in the past can no longer be denied—in fact, as discussed above, they have not been denied by the Armed Forces’ (Navy, Army and Air Force) in their reply to CNV in 2014. At this point, the dispute becomes less about the facts themselves, and more about meaning(s) ascribed to them.

Facts give way to discourses on facts, which can take several forms, including testimony, explanation, historians’ and official representations of the past. The meaning the past takes depends on the authors’ interests, emotions, hopes, dangers and triumphs which find their expression in the narrative, giving it unity (Barthes 1977, 124). The selection of what is to be remembered and how (from which perspective) sets the frame for the narrative structure, which connects the facts being retold. This can be thought of
as the development of a ‘classification system’ and terminology for past events that make up the production of meaning of historical representations (including historiography).

Historian John Pocock suggests that the plurality of narratives exists for two reasons. Not only because “there can be more than one history of events,” but also because “any event may be part of more histories than one (...) actors have diverse goals, tell different stories, and to some degree, live in the narratives they succeed in relating” (2005, 8–9). Groups exert historical significance to different bits of the past and thus refer to when bringing new content to present-time artistic, scientific, social, political, legal, and historiographical debates (Heller 1982).

The individual and cultural perspectives and frameworks—motivation, political and moral situatedness in society have an impact on the perspective through which the past is understood. This is what Ricoeur refers to as “the correlation between (subjective) interpretation and (objective) explanation/understanding” (2004, 339). It is possible for several narratives that refer to the same set of events to exist and be true; different interpretations about the events and the roles different social actors have had in the past.

Alongside Wolfgang Mommsen, one could say that “historical judgements will always be inextricably linked to the specific social reality from which they take rise” (1978, 23). The judgement in the present time over whether or not the violence against regime opponents was tolerable or even necessary varies according to one’s views about certain issues: on the possibility of a leftist revolution, the value of human rights and what can be considered as a legitimate use of violence. Those who see the establishment of a communist state or a similar break with the status quo as a bad thing, those who associate human rights discourse to the protection of lawbreakers, and those who claim that torture is a valid means to obtain vital information from potential informants tend to be more lenient toward the use of extreme coercion against revolutionary leftist groups.213

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213 The idea that human rights are not applied to all has been popularised in Brazil. Sayings such as “Human Rights for the Righteous Humans” (Direitos Humanos para Humanos Direitos) and “The only good criminal is a dead criminal” (Bandido bom é bandido morto) indicate that the universal application of human rights has not been fully grasped in Brazil. See Soares, A. L. 2018. ‘Human Rights for the Righteous Humans’: The Influence of Brazilian Conservatism on the National Perception of Human Rights.’ Corvinus Journal of International Affairs 3, no. 3, 53–61.
The stages of selection, representation and giving a meaning to the past precede the final step of social and political instrumentalisation of the past. After that, as Tzvetan Todorov would say, “we can now use the past” (2003, 127).

The federal government’s initiatives establish the facts and offer an interpretation of the past, which their texts disseminate in part to attempt to change how society thinks about the past: the military dictatorship was negative; military officials committed crimes; victims fought for a better Brazil. As Hayden White affirmed more than thirty years ago, “a specifically historical inquiry is born less of the necessity to establish that certain events occurred than of the desire to determine what certain events might mean for a given group, society, or culture’s conception of its present tasks and future prospects” (1986, 487). Different groups use the discourses of the Brazilian initiatives differently: retired military officials have attacked the memory constructed by the initiatives, posing as victims in their own right, claiming for example that they are not remembered as the righteous ‘democratic heroes’ they consider themselves to be (Huggins et al 2002, 24). Organised victims’ groups continue to call for efforts to locate the remains of their loved ones and justice. Does this mean the interpretation of the past is a matter of personal taste?

No. The validity of most historical claims cannot be designated a priori, but through the work of the governmental commissions, the range of permissible lies has been narrowed (Ignatieff 1996, 113)—the atrocities committed by representatives of the regime can no longer be denied. There are other limits to what is an acceptable representation of the Brazilian past: to deny the authoritarian nature of the regime can be the result of ignorance or an intent to misconstrue the past and to provide a partisan interpretation to mislead others.

Bolsonaro and his close allies do not deny there were human rights violations during the military period. The Brazilian President has time and again affirmed that he neither considers the events of 1964 a coup nor the ensuing regime a dictatorship. During a telephone conversation to Hungary’s Viktor Orban, he claimed that “Brazilians do not know what dictatorship is” (RFI 2019)—suggesting that the existing literature on the regime (which clearly characterises it as authoritarian) is incorrect.

Just a few months into Bolsonaro’s presidency, and it is already clear that the Amnesty Commission and CEMDP are under attack: funding for essential actions has been
cut and staff and commissioners have been reshuffled more than once. These are early signs that indicate that further attempts to undermine the Brazilian public memory policies and disrupt the initiatives’ pro-human rights discourses are highly likely, most likely in favour of an interpretation of the past that seeks to legitimise a hard-line militarised government.

Jair Bolsonaro’s perspectives are revisionist and negationist. To call a ‘dictatorship’ anything other than that is an attempt to change the facts and rewrite history by changing the words and expressions used to talk about the past. However, if we believe history can deliver dependable factual knowledge, empirically grounded and convincing explanations (Gorman 2004), then we know that not all interpretations hold the same value. Bolsonaro’s attempts to justify the crimes of the military and rewrite historical interpretation have no basis on documentary proof and rely on explanations that refuted by historians and the government’s initiatives. Whereas the right interpretation cannot be fully determined by referring to the bare facts, certain interpretations can certainly be rejected on the basis of facts. Bolsonaro’s is one of them.

It is possible to think of the CNV report as the closing step of a first phase in the process of dealing with Brazil’s recent past. As the plain ‘factual’ truth about the violence committed by the regime is officially acknowledged by the state and the ‘the number of lies that can be circulated unchallenged in a public discourse’ (Ignatieff 1996, 113) has been reduced, a more complex phase of making sense of the past begins. One in which the looking back and how to cognitively frame the selection made becomes more clearly than before about determining the meaning of the past for multiple groups in society (White 1986, 487). The battle now is for appropriating the narrative about the past and using the past in the present.

The past will always remain open to being interpreted anew, acquiring new meanings in light of present developments, new understandings, newfound traces, continuities and afterlives and effects of past actions. This ‘revisability’ derives from the fact that discourses about the past are in flux, constantly being updated in light of the present; this is one of the basic traits said to be inherent to any interpretation, alongside partiality and perspectivism (Lorenz 1999, 573). Brazilian official discourses are bound

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214 See also Jelin, E. 2007. ‘Public memorialization in perspective: Truth, justice and memory of past repression in the southern cone of South America.’ International Journal of Transitional Justice 1/1; and ‘¿Quienes? ¿Cuándo?’
to change. As historian Robert Gildea has put it, “history will be rewritten, and rewritten in different ways, to legitimate competing policies” (2004, 1). Memory is certainly on the move in Brazil.

5.4 Strategies of Transformation: Learning from the Past

Strategies of transformation include argumentation schemes or *topoi* such as the *topos of changed circumstances*, the *topos of consequence* and the *topos of history as teacher* (Wodak et al 1999, 40). In the Brazilian case, actions of memory have been employed with two objectives: promoting a discontinuity between the past (military regime) and the present (moment of reckoning), but also between the present and an envisaged future. As such, the discourses of initiatives concerning the legacies of dictatorship can be understood as performing a double pedagogical function: as policies to promote national reconciliation and prevent the repetition of human rights violations (past/present discontinuation), and as *lessons learned* from the past, designed to *instruct* policymakers (present/future discontinuation).

The last macro-strategy employed by the Brazilian initiatives investigated in this dissertation is the strategy of transformation applied by CNV commissioners when devising recommendations for policymakers. The objective in such instances is to demarcate the envisaged societal transformation. This section explores CNV recommendations in light of the topos of history as a teacher, which is based on the understanding that history teaches lessons and will repeat itself unless preventive measures are carried out. The ‘learning’ that took place in the Brazilian truth commission is investigated through an in-depth analysis of the CNV report’s recommendations for the future in light of the types of ‘lessons’ detected in such recommendations.


215 A version of this section has been published as de Almeida, G. I. “Nunca Mais”: Lessons from Brazil’s Dictatorial Past.” In *The Brazilian Truth Commission: Local, National and Global Perspectives*, Ed. by N. Schneider (Berghahn Books, 2019).
First, the CNV goal to prevent repetition is presented. Second, the theoretical underpinnings of ‘learning from the past’ are examined, with attention to tenets deemed most problematic for historians and historical theorists. In the third part, CNV recommendations are analysed considering the lessons from the past they encapsulate.

5.4.1 Nunca Mais as a Goal of CNV

Academics defend that “establishing a credible and authoritative record of events” (Walker 2013, 284) is a central task of truth commissions. Such a record, they say, leads to “a new national narrative of acknowledgement, accountability, and civic values” (Minow 1998, 78). Truth commissions are established in the hope that truth-telling will help prevent abuses from happening again. Truth commissions’ recommendations, however, display a different kind of hope. Based on the knowledge obtained during their investigations, truth commissions propose improvements to further the transition, usually through legislative and structural reforms in the political and security system, doing away with old laws and offices or establishing new ones. The changes they propose place hope in a better future.

Normally, recommendation sections are an opportunity to formulate a strategy for the afterlife of the commission. That is the part of the report in which commissioners can outline the continuity of efforts to obtain truth, peace and reconciliation after the findings are made public, for example. They may also discuss the enforcement of recommendations, how to progress towards accountability for past crimes and further reparations to victims. Even though there can be no assurance that recommended actions will be carried through, the ‘wish list’ approach to recommendations is still deemed an asset. Transitional justice scholars argue that recommendations highlight areas that need further development in society and can provide social movements with leverage in future negotiations with the government. The risk that the recommendations are not enforced

216 See The Brazilian Truth Commission: Local, National and Global Perspectives, ed. by N. Schneider (Berghahn, 2019).
is contingent on how much power the old regime managed to retain and political circumstances after the conclusion of investigations.

Throughout Latin America victims of dictatorial regimes have repeated the future-oriented formulation of “Never Again” (Nunca Mais), echoing the categorical imperative of creating a better future for humanity after the extreme violence and barbarism of the twentieth century (Clift 2014, 3). ‘Never again’ is also employed in Brazil to denote the tragic character of the country’s most recent authoritarian regime. The motto first emerged as the original title of the unofficial report Torture in Brazil (Archdiocese of São Paulo 1985). Over the years it has been repeated in materials produced by initiatives concerning the legacies of dictatorship of the Brazilian federal government in the formulation: “Lest we forget, so it never happens again” (Para que não se esqueça. Para que nunca mais aconteça). Figure 3 (below) demonstrates that the goal of preventing the repetition of the past has appeared in texts by CEMDP, the Amnesty Commission and Revealed Memories.

Chapter 4 affirmed that CNV writes history. Even though it was established twenty-seven years after the transition to democracy and most of the information in its final report was already publicly available, the report performs an important role in reforming Brazil’s publicly circulating discourses about the recent past. As has been the case of truth commissions held in other countries, the Brazilian truth commission reframes the events of the past, laying down society’s red lines. This is done by pointing out “what was wrong and never justifiable” (Minow 1998, 78). Through its report, the state emblazoned its symbolic weight to a past that had previously been censored by the Armed Forces, and which had for a long time been left out of the public arena.

In its mandate, CNV recommendations are described as “measures and public policies to be adopted by the government with the purpose of preventing the violation of human rights, ensuring their non-repetition and promoting the effective national reconciliation” (Brazil 2011b, Art. VI, emphasis added). The recommendations focus on the same themes designated in the mandate as topics to be investigated by CNV: measures to prevent the repetition of human rights violations that occurred in the past. Attention is


As discussed above, the mandate refers to gross human rights violations: torture, enforced disappearances
drawn in particular to the right to (human) life, which makes CNV consistent with the human rights movement’s resistance to moral relativism in relation to the suffering of bodies (Meister 2011, 142).

The mention of ‘national reconciliation’ as a CNV goal empowered commissioners to broaden the scope of recommendations beyond the crimes against humanity perpetrated during Brazil’s dictatorship. CNV commissioner Paulo Sérgio Pinheiro saw the potential to adopt a more holistic approach and extract wide-ranging lessons, making use of “the process, dynamics and recommendations of CNV to contribute to overcoming the authoritarian legacy” (quoted in Barbosa 2012). Mutatis mutandis, in Brazil things generally remained the same—crimes such as those CNV investigated are still part of the country’s present:

this report exposes these methods and instruments [used by the security forces during the dictatorial regime] in the conviction that the knowledge of these acts (...) can contribute to society’s capacity to prevent such conduct from persisting or repeating itself, that is, so that they will never happen again (Brazil, CNV 2014a, 365, emphasis added).

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Figure 9: Use of motto “Lest we forget, so it never happens again”

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and extrajudicial executions and concealment of remains conducted by agents of the authoritarian regime. The commissioners also investigated cases of illegal and arbitrary imprisonment (Brazil, CNV 2014a, 279).

5.4.2 The Topos of History as a Teacher

How can truth commissions instruct policymakers to avoid the woes of the past? One essential aspect of the task of putting forward recommendations is to study what happened in the past while remaining alert to traces of continuity, circularity, successions, articulations, interconnections and repetitions of past crimes, institutions and traditions. A few different steps are necessary to mark a clear boundary between the past and preventing its repetition, as the CNV case illustrates. First, there is making the past present and accessible in ‘lessons.’ In this case, it involved investigations; literally sifting through large amounts of evidence and transmitting the knowledge of the past amassed during those investigations—through the drafting of the CNV final report.

Then, CNV commissioners were expected to turn that information into recommendations, instructing policymakers on how to avoid the repetition of past events. This was done through the report’s demarcation of acts which were considered “grossly unacceptable conduct” (Walker 2013, 267). The relation between past and future envisaged by those formulating the recommendations is established once negative aspects of the past are perceived as still present in society. When the past is identified as still taking place in the historical present, the learning changes its temporal orientation and takes the form of considering how to eradicate this unwanted presence.

The double approach of looking to the past, towards the society’s ‘space of experience’ while also considering its “horizon of expectation” (future) (Koselleck 2004), is by no means a form of learning from the past exclusive to truth commissions’ recommendations. Historical analogies are ubiquitous in society. This is how the legal system can reach verdicts and medicine can give diagnoses, for example. Five different pedagogical uses of the past are discussed below and will inform the analysis presented in the next section on the learning from the past encapsulated in CNV recommendations.

_Historia magistra vitae_ is a traditional type of learning from the past in which history is seen as “a storehouse of exemplary models for the betterment of later generations” (Clift 2014, 143) used since ancient Greece. In the case of negative events, one would learn by avoiding reproducing certain characteristics of the past by applying the formula: (a) terrible actions were performed in the past; (b) we can observe where things went wrong; and (c) refrain from engaging in the same actions, thus (d) avoid making the same
mistakes (Forchtner 2014). Hegel was a critic of this method; he only saw value in *historia magistra vitae* for the moral education of children, not politics: “in the crush of world events, there is no help to be had from general principles, nor from the memory of similar conditions in former times” (Hegel quoted in Clift 2014, 142).

With Modernity a multifaceted and more intricate understanding of the relation between past, present and future superseded the cyclical view enshrined in the age-old process of learning from the past. In the modern understanding of time, history is understood linearly, as an arrow pointed toward an ever-new future. Events are deemed *unique* because conditions change with the passing of time. Clear-cut, straightforward discontinuity became a distinctive feature of the horizon of expectation. Society found itself perpetually changing, in evolution (Popper quoted in Gardiner 2004, 339).

Although academics have questioned determinism, the objectivity of the historical object and the metaphysical reality of the past, learning from past mistakes is something human beings do all the time and public debates continue to draw on previous experience; thinking over past events and using that knowledge for self-improvement. However, the claim that if ‘properly studied,’ the past can yield unambiguous recipes for dealing with similar situations in future is problematic. Many historical theorists recognise that there is no limit to the examples, anecdotes and imageries of the historical past—consider its vastness in Charles Beard’s definition of the past as “all that has been said, done, felt and thought by human beings on this planet” (quoted in Danto 1985, 88).

They are conscious that a selection of the past, or which lesson, necessarily occurs, because the past is so immense that contrary examples or even alternative lessons are easy to find. Each historical episode can be the source of a plurality of teachings, the choice of which will be taken up depends on the historical observer.

The past depends on the purpose it serves in the present. It is not a neutral recipient that exists ‘out there,’ independent of a specific cultural frame and political constellation from which individuals create, reconstruct, receive and propagate *representations of past events* (Assmann and Shortt 2012, 3). Heterogeneous memories of the regime coexist in Brazilian society; different groups (victims, non-victims, regime opponents, the silent

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229 Peter Seixas, for instance, affirms that “the easy justification for the study of history—those who don’t learn from mistakes of the past are doomed to repeat them—is so unsatisfactory. The promise of historical consciousness is not so much that we will be able to fix the future, as that we be able to meet it with our eyes wide-open” (2012, 549).
majority, perpetrators and beneficiaries) experienced the regime, and hold and propagate radically different views of what occurred between the 1960s and 1980s. Something to be wary of when dealing with state-sponsored historical projects is the political agenda of those “mobilising their power and resources to create particular histories and memory regimes” (Bevernage and Wouters 2018, 5).

The contingency of the past in light of its selection, interpretation and use in the present prompted historian Tzvetan Todorov to make a plea for the return of an ‘exemplary’ form of learning. In his view, what is needed is to “use the past in light of the present” (1996, 14). The key here is to apply the lessons against the injustices, inequality and violence occurring in the present, using awareness of terrible deeds of the past to positively affect conditions for those most vulnerable groups today (2000, 43—44). The historian offers as an example David Rousset. He was a Nazi concentration camp survivor who after the war campaigned to raise awareness of the Soviet camps.

An equivalent attitude in Brazil would be for victims of the military regime to embrace contemporary struggles, such as the Mães de Maio movement and calls for investigations into Amarildo’s disappearance or Rafael Braga’s freedom for example. Todorov contrasts ‘exemplary’ to ‘literal’ learning, in which a representation of the past is ‘singularised,’ i.e. deemed so unique that potential lessons to the present are lost. In this ‘sterile’ reading, the past can only be mourned and compulsively memorialised, at the risk of exonerating the present from dealing with past injustices and remaining alert to present injustice.

Yet another possible use of the past is to think of it as a source of information on the likelihood of certain things to happen, a probability estimation based on prior experience of causality. This ‘scientific use of the past,’ is based on the fact that “if one has extensive past knowledge of processes one can predict that in the same circumstances the same conjunctions will occur in the same way in the future” (Adam and Groves 2007, 25). It is applied in business investment and the military, where the past is used “to know

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221 “Mães de Maio” (“Mothers of May”) seek justice for the unlawful killings of 564 alleged suspects of criminal activities by law enforcement officials occurred over ten days in May 2006. Amarildo de Souza is a slum dweller who disappeared in Rio de Janeiro in 2013, after being questioned by a “pacification unit” of the military police (UPP) regarding his alleged involvement with local drug cartels. He was tortured and made to disappear; his body has never been found. Rafael Braga is referred to as a political prisoner. He was unfairly convicted on terrorism charges after mass demonstrations in Rio de Janeiro in 2013.
what their chances of success are (...) [get] lessons about how to proceed and some warning about what is (...) likely to happen” (MacMillan 2008, 150–53). This logical learning from the past helped CNV commissioners estimate the likelihood of success when drafting their recommendations to avoid the ills of the past. This *temporal scaling* produces knowledge of the past that goes beyond facts and figures and can be regarded as a step forward. However, applying exclusively this approach means overlooking a potential transformative analysis.

The potential for transforming society is characteristic of the reflexive attitude at the core of Adorno’s *working through* a difficult past. This critical acknowledgement entails an interpretation of what the lessons from the past might be and the identification of similarities and differences between present and past. The objective in his view must be to enlighten society about the broader causes, context and circumstances that enabled violent acts to occur, so the “the causes of what happened” can be dealt with (Adorno 1998, 103). The lesson is only over and problems have been worked out once there is a better understanding of the present through a transformation of the self-affirming contemporary collective identities and an alteration is produced in the existing state of affairs, diverting the present to a course fundamentally different from what has gone before. The lessons entail a reconsideration of how Brazilian national identity is held together, in this case, coming to terms with society’s direct or complicit involvement in the authoritarian regime. Truth is, Brazil never had a clear break with the regime.

### 5.4.3 CNV Recommendations

CNV was designed to serve a double pedagogical function: to investigate Brazil’s recent past and based on the lessons learned, instruct policymakers. First, it was expected to learn by scrutinising aspects of the recent past that had for years been censored, denied or questioned. It was then expected to transmit the knowledge of the past amassed over the course of its investigations, including the results into an authoritative official report. There is potential for societal recognition that what is described in the report happened, and if the report’s truth is perceived as more credible than the lies it challenged, a new framework of reference is produced (Walker 2013, 272). The CNV report and its
recommendations can thus be understood as part of an educational campaign to raise awareness of past injustice and challenge conventional understandings of the past (Leebaw 2008, 109). The report and its recommendations have the potential to form an inflexion point; the moment when public opinion shifts, violence becomes unacceptable, awareness of present human rights abuses is enhanced and notions of due process are disseminated (Walker 2013, 273; Wiebelhaus-Brahm 2018). At this level, lessons of the CNV can increase the odds of a future in which the promise of non-repetition/nunca mais is fulfilled.

As discussed previously, the final CNV report comprises three volumes. The last section of volume 1 contains eleven pages of recommendations formulated based on the commission’s findings, suggestions from civil society, and truth commissioners’ observations of Brazil’s failures and advances in relation to the challenge of establishing a human rights culture (Pinheiro quoted in Barbosa 2012). Each recommendation is specific in focus. Together, the twenty-nine recommendations emphasise the importance of establishing a human rights culture and a status quo in which the state does not violate the human rights of its citizens. Only eight of the twenty-two recommendations deal with historic human rights violations. Overall, the recommendations reflect the range of factors required to affect this change in Brazil, including institutional reforms (seventeen recommendations), new legal measures (eight recommendations) and follow-up measures (four recommendations). Fifteen recommendations relate to security (with eight recommendations for the judiciary and seven for the Armed Forces); four to accountability for historic crimes; seven to the right to memory and truth, and three to promoting a human rights culture. No reference is made to a timeframe for implementing measures, or the steps policymakers should follow to ensure their execution.

The opening recommendations are an institutional acknowledgement of wrongdoing by the Armed Forces [1] and the repeal of the 1979 Amnesty Law in cases of crimes against humanity [2]. Taken together, the two recommendations send a clear message that a consensus on what the errors of the past were must be reached and shared across different groups in society. Without a clear shared ‘red line,’ disputes over the

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222 Towards the end of the writing process of the CNV report, a public consultation was carried out; civil society put forward 399 recommendations for inclusion in the report (Brazil, CNV 2014a, 964).

223 Numbers in square brackets correspond to the recommendation number as found in volume 1 of the CNV report (Brazil, CNV 2014a, 964-75).
legitimacy of past crimes and exculpatory discourses will continue to exist. Furthermore, as long as past criminals continue to be institutionally shielded from prosecution, security officials committing similar crimes in present-day Brazil are given no reason to believe they will be held accountable for their acts in the future—in what is the clearest failure to mitigate the risk of repetition of human rights abuses in the Brazilian case.

The connection between past and present human rights violations is clearly stated in the report’s fourth conclusion:

in examining the spectrum of serious human rights violations occurred during the period it investigated, CNV has been able to verify that this situation persists in the present. Although (...) no longer in a context of political repression (...) the practice of illegal and arbitrary detention, torture, executions, enforced disappearances and even concealment of human remains is not alien to the contemporary Brazilian reality. (...) this situation results largely from the fact that the serious human rights violations committed in the past have not been adequately denounced nor their perpetrators made accountable (Brazil, CNV 2014a, 964).

As discussed in Section 2.5 (above), in its ruling of the Gomes Lund Case the IACHR held Brazil accountable for the forced disappearance of leftist militants in the Araguaia region and the Amnesty Law was deemed “incompatible with the American Convention” (Gomes Lund et al 2010). This interpretation was reinforced by CNV commissioners in the final report, even though there was no consensus among the commissioners over the issue.224 Dallari recalls being extra cautious when drafting the recommendation that perpetrators be prosecuted [2]: “each word was carefully considered” (quoted in de Hollanda 2015, 309). It remains to be seen whether IACHR’s ruling will lead to a change in policy. A second revision of the validity of the Amnesty Law is due, however, it is unclear what actions the Brazilian Supreme Court will take (see Sections 2.5 and 3.4.3 above).

The report’s findings formed the starting point for CNV’s comparison between present and past injustice. In a learning from the past that resembles the age-old historia magistra vitae, past crimes were held up as examples of misconduct, and information about perpetrators’ modus operandi was used to raise awareness of the continuation of

224 CNV commissioner José Paulo Cavalcanti defended the view that the prosecution of perpetrators was beyond the scope of the CNV because the Amnesty Law had resulted from a political agreement. His was the only divergence from the view shared by the other truth commissioners that perpetrators should face trial. Cavalcanti’s position was in line with the argumentation put forward by Supreme Court legislators in April 2010, when the Amnesty Law was upheld months before the IACHR ruling was published (Brazil, Federal Prosecutions Office 2014, 90).
the past in the present, traces of the authoritarian regime thought to have persisted. The truth commissioners identified specific instances of past behaviours continuing into the present, and denounced them in their recommendations, calling for these behaviours to be modified or suppressed. For example, the report suggests that the institute of forensic medicine be detached from the security services [10]; reform of the prison system [12]; the de-militarisation of state police forces [19]; revoking the National Security Law [18] and eliminating the classification of “resistance followed by death” (autos de resistência) from police forms [24].

The method of eliminating similarities to rid the present from the unwanted past is reversed in the case of positive actions CNV commissioners thought should be emulated. For example, the strengthening of the public defence services [11] are recommended, as well as community counsels for custodial facilities [14] and expanding the lexicon of Brazilian legislation to include the crime of enforced disappearances [19]. In some cases, the object of the recommendation did not yet exist—this was the case with preventive action against torture [9], the induction of ombudspersons at correction facilities [13] and the introduction of custodial hearings within 24 hours of imprisonment [25].

According to former Human Rights Secretary General Ideli Salvatti (quoted in Arruda 2015), twelve recommendations were already public policy as the report’s recommendations were drafted, which indicates an interest in demonstrating expediency in dealing with Brazil’s recent military past. After all, partially addressed measures allow the country to present itself internationally as ‘making an improvement.”225 Examples include recommendations such as the prohibition of official celebrations of the 1964 coup three years after the date had been abolished from the official calendar of the Armed Forces; the recommendation that a memory museum is established in Brasilia [28]—a bewildering suggestion, as details of Amnesty Memorial have been in the public domain since before the establishment of CNV.226 In addition, there is a recommendation that the state “ensures permanent medical and psychosocial care for victims of gross human rights violations” [15] (Brazil, CNV 2014a, 970). The proposal makes no reference to the

225 The IACHR ruling against Brazil in the Gomes Lund Case in 2010 ordered the investigation of human rights violations and prosecution of those responsible, acting as a catalyst for the establishment of the CNV. It is important not to lose this dimension when analysing the CNV report.
226 The Amnesty Memorial is a place of memory with museum rooms and features. For more information see Section 3.3.1 (above).
Testimonial Clinics, a sub-project of the Amnesty Commission offering psychological treatment to victims of the military regime since 2012.

In the report, as in the other initiatives concerning the legacies of dictatorship of the Brazilian federal executive, the criminal system through which the Brazilian state oversaw the gross violation of the human rights of its citizens is recognised as ‘the catastrophe’ that should never again be repeated. However, commissioners were reluctant to launch a wider investigation and provide explanations into the causes that enabled the violent regime to come into being. As discussed previously, Dallari wants us to believe the report is a purely objective description of past events. According to his description, CNV commissioners sought to present the “raw facts” of Brazil’s recent past, devoid of contextual historical analysis: “there is no flab in the report. It is all muscle and bone” (Dallari quoted in de Hollanda 2015, 314). It was because of the truth commission’s decision not to try to explain the past that commissioners opted not to employ the term ‘civil-military dictatorship,’ for example.227

We should take heed of the critical thinking proposed by Adorno and Todorov. Both claim that it is only through probing what has gone before that transformative learning from the past can emerge. If following Adorno’s process of working through the past, CNV’s line of inquiry would have encompassed an analysis of how the Armed Forces obtained and maintained power for over two decades, looking for explanations for the support the regime garnered among conservative sectors of society, as well as the socio-political developments that made a prolonged obstruction of democracy possible.

Todorov’s exemplary learning also involves a more holistic understanding of peace and justice that goes beyond the framing of physical violence and human rights violations of transitional justice. In this form of learning from the past, the focus is no longer on how to address historic crimes and their reoccurrence in the present time but on the structural changes necessary to address present grievances, inequality, and how to create an inclusive political community as part of a stable and peaceful democratic society. This is the underlying logic of the calls for CNV to investigate the national public debt contracted during the regime, to be followed by an official audit (Bohoslavsky and Torelly 2014, 255–61).

227 In Volume 1 of the CNV report the terminology employed to describe the regime is ‘military dictatorship;’ in Volume 2 the expressions ‘civil-military regime’ or ‘civil-military coup’ appear a few times.
The absence of recommendations for significant change in civil–military relations is an indication of CNV’s constraints. A pact was negotiated during Gen. Figueiredo’s presidency between the incoming political elite and the outgoing military officials. The political subordination of the military and return to an open democratic political system was exchanged for privileges enjoyed to this day by Armed Forces personnel, including the amnesty for perpetrators of gross human rights violations, corporate independence and control over the defence budget (Codato 2005b, 101; D’Araújo 2012a, 596).

The resulting unbalanced relationship that exists between the Armed Forces, civil society and the Brazilian state was barely denounced by CNV; the controversial Article 142 of the Brazilian Constitution was not raised as a cause for concern, and the recommendations do not mention lustration or direct compensation payments to victims. However, the report does recommend that perpetrators be made to contribute financially to the state reparation programmes [3] and that any distinctions and civic honours perpetrators were awarded be removed [28]. Other recommendations directly related to the Armed Forces include the prohibition of official commemorations of the coup [4]; the reformulation of the Armed Forces’ selection process [5] and curriculum of military academies to include the values of human rights and democracy [6]; restricting the military legal system to the federal level [21]; and the exclusion of civilians from the mandate of its courts [22].

CNV focused on gross human rights violations, particularly certain types of physical violence perpetrated against political opponents. This restricted the potential for lessons that could be extracted from Brazil’s recent past. This limitation became apparent during the official ceremony marking the release of the report, when President Rousseff stressed the nunca mais motto as an ambition to prevent the return of the violent and authoritarian past: “with the creation of this commission, Brazil has expressed the importance of knowing the period in order to prevent its repetition” (2014a).

The CNV report, on the other hand, declares to have pursued “knowledge of all the acts that the Brazilian state had the capacity to carry out (...), so they never happen again” (Brazil, CNV 2014a, 365). This seemingly innocuous mismatch between Rousseff’s expectation and the truth commission’s outcomes demonstrates that the lessons CNV extracted from the past are conducive to a specific nunca mais: never again certain types of human rights violations—not never again an authoritarian regime. If carried through,
CNV recommendations would probably make the likelihood of arbitrary imprisonments, torture, unlawful killings and enforced disappearances less likely.228

Strengthening Brazil’s democracy so that we never again see an authoritarian regime in that country would require a different kind of toolkit. As mentioned above, Adorno called for a critical relation with the past so the cycle of violence can be broken—“there will be no end to the terror as long as guilt and violence are repaid with guilt and violence” (Adorno 1998, 90). Democracy needs a society that recognises the Other as equally rational human beings, in which democracy and violence act as mutually exclusive terms (Schwarzmantel 2010). Its core values include mutual respect, civic trust and social solidarity; getting along and despite the existing differences, learning to live together and cooperate to build a future (Sennett 2012, 240; Cruz 2016a).

Truth commissioners applied knowledge of the past to estimate the chances of success of their recommendations, identify the most adequate wording and define the most valuable measures to propose. For example, their first recommendation calls for an institutional acknowledgement of the crimes of the past by the Armed Forces. They seem to have thought that requesting an apology from the institution was too big of an ask. Despite the efforts of CNV, an unambiguous acknowledgement and condemnation of what happened by the Armed Forces were not achieved: “in this area, we had great difficulty,” recognised Dallari (quoted in Betim 2014).229

The physical violence and human rights violations perpetrated by agents of the state against Brazilian citizens during the country’s most recent military regime were singled out as that which should not happen again—yet they never ceased to repeat. In this sense, CNV’s lessons from the past preserve the past as occurs in Todorov’s ‘literal’ use; the past was not used as a springboard to understanding new situations with different agents, past human rights violations “remained an intransitive fact, leading nowhere beyond themselves” (1996, 14)—because they never ceased to occur. CNV commissioners had some leeway to broaden the scope of investigations and set their own priorities and

228 The problematic formulation of ‘ensuring the nunca mais’ used in the mandate is avoided here—after all, it is impossible to ascertain whether something will happen or not. At most, governments can shape public policy and institutions to increase the odds of a given future.

229 As discussed previously, when the CNV asked for clarifications, the three Forces responded with a negative, declaring that “there was no evidence of misuse of the military compounds investigated”—a declaration that CNV commissioners “lamented profoundly” (Brazil, CNV 2014a, 65).
played an active role in establishing the remit of both the investigations that would be carried out and the recommendations it would present for policymakers. It was a decision of CNV commissioners to include illegal and arbitrary imprisonment as a category of crime against humanity to be examined (Brazil, CNV 2014a, 279); announce that only crimes perpetrated “by public agents, persons at their service, with the support or in the interest of the State” would be examined (Brazil, CNV 2012b), and declare that ‘special attention’ would be given to the 1964-1985 period commonly associated with the military dictatorship (Brazil, CNV 2014a, 15).

All of these choices further delimited CNV’s remit and meant that, for the most part, the commission failed to emphasise the importance of other political, civil, social, economic and cultural rights violations endured by Brazilian populations during the military regime—issues that have not yet been officially investigated. These include censorship and the mass surveillance that characterized the undemocratic regime, the establishment of a democratic façade, genocide against the indigenous peoples (only partially acknowledged in volume 2 of the CNV report), and corporate and institutional complicity in the formation of a media monopoly to cite just a few examples. CNV may come to be perceived as a missed opportunity because of its failure to denounce all articulations, continuations and repetitions of events, institutions and traditions connected to the dictatorial past, to propose measures that would significantly alter the impact of the afterlives of the military regime and to help eradicate all traces of its continued occurrence in the present.
5.5 Conclusion

This chapter analysed how representations of the past propagated by the Brazilian initiatives concerning the legacies of dictatorship were constructed. Based on methodology derived from the Discourse-Historical Approach (DHA), three strategies employed in texts by the initiatives were investigated, namely strategies of construction, deconstruction and transformation. Some of the building blocks of the initiatives’ past meaning-making have been identified. In the above analysis of the Brazilian initiatives’ construction of the past, it was argued that as much as is feasible, they attempt to align themselves with victim-centred discursive practices, they characterise the past as something to be condemned and denounced, and propose a contrast between the present and an envisaged future.

The initiatives’ different definitions of ‘victim’ were presented as part of an effort to understand the construction of official discourses about the past. The understanding of ‘victim’ across the initiatives shifts: the victims are representing the dead and disappeared in CEMDP; victims of political persecution at their place of work in the Amnesty Commission, but the memory of human rights violations and political repression in its effort to provide a human rights education for Brazilian civil society; victims of political repression in Revealed Memories; victims of gross human rights violations in CNV, especially the political persecuted (although other victims were identified but relegated to volume 2 of the report). We concluded that ‘victims’ are understood primarily (but not exclusively) as the political persecuted: individuals who opposed the military regime and participated in resistance movements.

Strategies of demontage display the initiatives’ distancing from certain representations of the recent past. The initiatives’ strictly negative interpretation of the past was defined in this chapter as an effect of the past being understood first and foremost through the prism of human rights violations, with victims’ experience of physical violence as the main perspective from which the government’s initiatives understand and represent the national past. This form of looking at the past establishes a clear distance between the initiatives and views held by established officials in the
Armed Forces who still maintain their allegiance to the institution and who normally neither acknowledge nor display any regret in relation to the recent past.

However, through the work of CNV, Brazil reached a new moment in public memory policies: the Armed Forces no longer deny the torture and killing of dissidents in its facilities. A limit has been imposed to the representations of the past available in the country; it is no longer acceptable to omit from Brazil’s recent past the violence perpetrated by Armed Forces officials against the political persecuted.

The third type of strategy discussed in this chapter were strategies of transformation. We turned to CNV recommendations to demonstrate that the topos of history as a teacher is encapsulated in the truth commission’s aim of extracting lessons from the past. Truth commissioners do this by identifying elements observed in their investigations into society’s past that can be employed to inform society’s future. Based on these observations, they recommended measures that aim to promote change and bring about a break with the past in a present in which gross human rights violations still occur.

The past is remembered as a terrible episode (tempus horribilis), with the memory of regime opponents who suffered human rights violations ‘in the flesh’ as the focal point of how the recent past should be remembered. A positive treatment is dispensed to the memory of actors who opposed the regime—their narratives of brave resistance are often celebrated. The interpretation that has been propagated by the initiatives characterises the dictatorial past as the past from which lessons must be extracted. It understands the past as a string of human rights violations, the resistance against the regime as positive and the repression against its actors as negative. This dissemination contributed to the fact that today this perspective forms good part of what is publicly discussed and officially memorialised about the Brazilian post-1964 regime.
Chapter 6. Conclusions

6.1 Contributions and findings

I once read the story of a group of people who climbed higher and higher in an unknown and very high tower. The first generation got as far as the fifth storey, the second reached the seventh, the third the tenth. In the course of time their descendants attained the hundredth storey. Then the stairs gave way. The people established themselves on the hundredth storey. With the passage of time they forgot that their ancestors had ever lived on lower floors and how they had arrived at the hundredth floor. They saw the world and themselves from the perspective of the hundredth floor, without knowing how people had arrived there. They even regarded the ideas they formed from the perspective of their floor as universal human ideas.

- Norbert Elias, *Time: an essay*

Apologies, reparations, commemorations and calls for justice share a connection to a past that is not personal, but public. As such, they make up some of the most important and difficult aspects of public history. When a period that had previously been swept under the carpet is subjected to scrutiny and occupies a central place in the public and political debate, there is an opportunity to explore, explain and better understand the contentious past; how it informs social identities and how it shapes and connects to the present. However, examining the past can never return things to a pre-existing state; what is done cannot be undone, what was broken cannot be unbroken; nonetheless, conflicts can be undone (Buckley-Zistel 2006, 6) and relations can be mended—or at least improved at the societal level.

The main novelty of this dissertation has been to contextualise and explain historical representations produced by initiatives concerning the legacies of dictatorship designed and implemented by the executive power of the Brazilian federal government between 1995 and 2016. This work critically analyses the spectrum of the response from the executive branch of the Brazilian federal government, contributing to the knowledge of Latin American politics of memory and public memory policies that address the legacy of recent authoritarian experiences.
Processes of coming to terms with the past involve working in a large scale, whole-society approach and are in the interest of everyone: those who experienced the regime first-hand, as much as the generation of postmemory, who have lived in a society marked by the consequences of what was decided during the transition to democracy. All Brazilian citizens—of all skin colours, levels of education, income, place of abode and gender; ‘do Oiapoque ao Chuí’—have had to live with the material and immaterial legacies of the authoritarian regime and are stakeholders of its memorialisation.\(^\text{230}\) The closing remarks (below) offer a glimpse of the wide issues upon which memory politics are immersed in a society that is in need of (re)building relations and institutions, still looking for solutions to problems and tensions derived from a past that does not seem to pass.

This dissertation has demonstrated that the discourses of policymakers and actors involved in the design and development of initiatives implemented by the executive branch of the Brazilian federal government produce representations of the past and confer meaning to the country’s recent past. In order to move the country forward and prevent similar catastrophes in the future, the initiatives apologise, provide reparations, collect evidence of human rights violations and publish materials to disseminate ideas and enhance public acknowledgement of the past. In addressing the past, they formulate an interpretation of history, with a regime of truth and meta-narrative which are meant to influence political debate and affect how people in Brazil think and talk about the recent past. The initiatives can be understood as engaged in the important task of helping society make sense of its past and understand itself, considered by Norbert Elias in the epigraph to this chapter.

Results of this investigation have shown that the initiatives act as powerful sites for the regulation and insertion into the public realm of discourses about the past. Most importantly, they help shape what is memorialised and establish how the past is addressed in official texts, propagating to the wide civil society and future generations a particular set of representations of the past. The memory actions of the Brazilian initiatives do more than just limit the range of permissible lies. Space is secured for victim-centred narratives to be shared; the experience of the past of certain groups is

\(^{230}\) The expression ‘do Oiapoque ao Chuí’ is used to denote the traversal of the whole length of Brazil, between its two extremities, from its historically perceived as northernmost Oiapoque to the southernmost Chuí, equivalent to the British expression ‘from John O’Groats to Land’s End.’
incorporated into an officially accepted historical discourse and official interpretation of the past that is disseminated. The initiatives can tap into unrivalled capabilities to propagate the way they make sense of the past and automatically earn national prominence because of their governmental status.

This study set out two lines of inquiry to determine what the Brazilian federal executive has done to address the nation’s recent past. The first part (Chapters 2 and 3) offers an account of the contentious past and contextualises the initiatives designed to deal with that past. Background information was provided on issues related to the post-1964 regime that then played a role in its memorialisation, including the abolition of citizens’ fundamental rights, the 1979 amnesty and the country’s return to democracy.

The dictatorship was a regime marred by censorship, characterised by state-sponsored violence and abuse of authority by the military. There was widespread and constant surveillance, citizens were incarcerated for their political views, and prisoners were subject to psychological and physical abuse. Summary executions, torture and other serious crimes were committed. The use of coercive techniques was so embedded in the state’s actions that the truth commission concluded that the violence was state policy: “during (...) the dictatorial regime initiated in 1964 (...) gross human rights violations were generalised and systematic” (Brazil, CNV 2014a, 963).

The construction of a narrative of the Brazilian national past was also discussed in chapters 2 and 3 of this dissertation. The discourses of actors within the state initiatives and political leaders at the federal level of government were especially relevant for this investigation. Other key actors in Brazil’s memory politics and stakeholders in the process of dealing with the past were introduced, including human rights defenders and groups of victims of human rights violations (and their relatives); regime supporters and established officials; and academics investigating the period and the afterlives of the regime.

Brazil was sluggish in dealing with the past. The gradual process through which the initiatives were designed and implemented by the executive power of the federal government meant each of the initiatives came about at different moments, having to face different challenges and disputes that shaped its actions, discourse and outcomes. It is perhaps worth noting that the public memory policies span a period of twenty-one years (1995-2016), which is the same length as the dictatorial period itself (1964-1985).
The decision to make amends through compensation rather than investigation followed by prosecutions was a defining trait of the Brazilian memorialisation process, at least until the establishment of the Brazilian national truth commission (CNV) in 2012. The government has been criticised for its over-reliance on the financial reparation of victims (Mezarobba 2010, 16; Quinalha and Teles 2015). Another criticism is that the discourse of denunciation and objection to the dictatorial violence is not matched by actions of elected politicians to ensure that justice is served (Napolitano 2015, 31). Those responsible for human rights violations escaped unpunished, shielded from prosecution to this day.

Elected presidents have opted for a discourse of reconciliation and forgetting. On the 40th anniversary of the 1964 coup, Lula da Silva suggested that the episode should be seen as “a finished historical episode” (quoted in Bauer 2013, 18). Announcing the establishment of CNV, Dilma Rousseff emphasised that the amnesty would stand: “I (...) value the political pacts that brought us to redemocratisation” (2012)—said Rousseff.

The first large-scale initiative designed to deal with legacies of dictatorship was established in 1995. The Special Commission on Political Deaths and Disappearances (CEMDP) acknowledged state responsibility for deaths of political opponents of the regime and provided financial compensation to their families. The Amnesty Commission was the second initiative, implemented in 2002 to provide financial compensation to citizens who were forced to abandon their studies or professional careers because of political persecution by the regime. Since 2007 Brazil has seen increasing public debate over its past human rights violations. That year the Amnesty Commission expanded its objectives to provide moral and symbolic reparations to victims of acts of exception and disseminate information to educate the wider civil society about human rights violations during the dictatorial period as a form of collective reparation. And CEMDP published its report, the first document by the Brazilian federal government to openly discuss torture and the killing of citizens by the regime.

Initiatives dedicated specifically to the right to memory and truth were established later in Brazil’s process of reckoning with the legacies of dictatorship. Revealed Memories was set up in 2009 to preserve historical records and disseminate information about the military regime. CNV concluded its activities in 2014. It was established to determine the truth about gross human rights violations that occurred between 1946 and 1988, name those responsible and provide recommendations aimed at non-repetition. By the time
CNV concluded its investigations (twenty-nine years after the transition to democracy), most of the information in its report had been in the public domain for quite some time. Nevertheless, it performed the important task of synthesising Brazil’s official discourse about the recent past.\textsuperscript{231}

A second line of inquiry pursued in this dissertation (Chapters 4 and 5) considered the memory of the Brazilian dictatorship from the perspective of discourse. This study has provided insight into the ways in which the official memory of the post-1964 dictatorship was reframed by inquiring if and how representations of the past were produced in the initiatives’ work of memory. The language use of the official initiatives, their actors and collaborators was investigated. Texts were examined with attention to what was said, how the initiatives’ goals are constituted and articulated and what resulted from their discourses.\textsuperscript{232}

In addressing the first part of that question, this dissertation established that the initiatives concerning the legacies of dictatorship produce representations of the past in the course of dealing with the past. Divergences exist among the initiatives’ discourses and even within the same project; objectives, terms and their meanings can vary. The federal government’s initiatives offer a collection of stories that resembles a collage or a mosaic. However, it is possible to trace continuity in the representations of the period between 1964-1985 they propagate. The narrative they put forward reproduces the narrative archetype of a nation ‘overcoming an obstacle’ and can be outlined as follows: Brazil had a coup d’état led by the military, followed by a military dictatorship. The regime was a terrible episode in the country’s history, characterised by the violent repression of political dissent. The transitional justice initiatives symbolise a new beginning, a whole new phase in the country’s history.

\textsuperscript{231} As discussed above, the CNV report provided acknowledgement to gross human rights violations and consolidated research previously done by civil society projects such as the Torture in Brazil report and the Commission of Relatives of the Political Dead and Disappeared, as well governmental initiatives such as the Amnesty Commission and CEMDP.

\textsuperscript{232} The major thrust of this dissertation has been to examine texts produced by the initiatives and their actors (such as Ministers, commissioners and consultants) in the course of executing their actions of memory. This comprised printed, online and audio-visual media. Hence, ‘texts’ includes for example political speeches, laws, state of the union addresses, documents, official reports, press releases, books, manuals and brochures, conferences, interviews, films, documentaries, photographic exhibitions, etc.
The Discourse-Historical Approach (a type of Critical Discourse Analysis) was applied to critically analyse the construction of historical representations and the discursive mechanisms, rhetorical patterns and recurring tropes identified in texts about the dictatorial period propagated by the Brazilian initiatives. These were found to (re)produce representations of the past using strategies of construction, *demontage* and transformation. Analysis of the content, realisations and strategies of argumentation in the rhetoric of the past constructed by the government’s initiatives and their collaborators brought to the fore three main findings.

First, the initiatives take a non-distanced approach to discourses centred on victims of the regime. In fact, as much as is feasible, they align their discourses to discursive practices centred on human rights violations. However, not all victims have the same standing. The initiatives understand victimhood primarily as the experience of political opponents of the regime who were killed and/or tortured. Non-political victims associated with the military regime—peasants, indigenous, common criminals and mental health patients also tortured, killed or disappeared—are excluded from the official death toll of the regime.

Second, the initiatives condemn, denounce and object to the gross human rights violations occurred during the authoritarian regime. They emphasise the discontinuity between their discourse and the representations of the past disseminated by regime supporters who do not condemn the past—a position held for example by established officials and the Armed Forces. Through the work of the initiatives, the torture and killing of dissidents can no longer be denied.

Third, the findings suggest that in general, the initiatives attribute a strictly negative value to the recent past and characterise the years 1964-1985 as a terrible, tragic period in Brazil’s history from which lessons must be extracted. The initiatives affirm the inherent dignity of the human being and define society’s red lines. *Nunca mais* certain types of human rights violations endured by political opponents of the regime in the past; the Brazilian state should never again allow arbitrary imprisonments, torture, unlawful killings and enforced disappearances to occur.

Politically constructed discourses are the building blocks of social reality, and it is clear that different interpretations of the past can coexist, “often contrasting and conflicting one against the other” (Jelin 2009, 119). Public dealing with the past involves
attending to the fact that our present is the product of culturally and historically contingent developments interwoven across generations. The historical narrative and memories (re)constructed by the initiatives are only part of the innumerable possible meanings and interpretations of the historical facts of the Brazilian past.

Such types of memorialisation can lead to the transformation of individual and collective consciousness. Future studies to investigate the reception of the representations of the past propagated by the transitional justice mechanisms in Brazil are recommended. Qualitative and quantitative analyses can shed light on how the different sides of the debate perceive the public memory policies and were impacted by the representations of the past disseminated by the initiatives. Do stakeholders in Brazil’s memory politics think differently about the past as a result of their experience of the official initiatives? Are they more or less resistant to reconciliation?

This dissertation investigated the discourses about the past formulated by initiatives designed by the federal executive in isolation from other discourses in public circulation, with a view to disclose any entanglements, overlaps and divergences they presented among themselves. There are many other discourses about the past in circulation in Brazilian society, and further study with more focus on other initiatives (i.e. established by local government, civil society and other actors) and how their discourses have impacted discourses about the past produced by the federal government’s initiatives is therefore suggested.

Brazil is a potentially important but woefully under-researched case study. Difficulties include the long timespan of the governmental initiatives, the fact that the more prominent initiatives were carried out only in the past ten years and the fact that the country’s construction of a shared meaning for the post-1964 regime is still very much a work in progress. Recent developments indicate there is cause for concern around the capacity of the federal executive to continue the promotion of human rights, rule of law and democracy carried out until now. A collapse in the standards of Brazil’s dealing with its legacy of widespread human rights abuse is to be expected in the coming years.

While there is no longer a dearth such as described by Brito et al (2001, 349), the Brazilian case has not generated as much discussion among international scholars as the cases of Argentina and South Africa, for example. As this dissertation has made clear, many Brazilian authors have reflected upon the country’s dealing with the past, however their publications often do not reach an international audience.
6.2 Closing Remarks

The final result of political action often, no, even regularly, stands in completely inadequate and often even paradoxical relation to its original meaning.

- Max Weber, Politics as vocation

The election of the ultraconservative far-right politician Jair Bolsonaro as President in 2018 indicates that a large section of Brazilian society is either indifferent or supportive of his authoritarian rhetoric. Bolsonaro never hid the fact that he defends the military dictatorship and authoritarianism. He often encourages intolerance and refers to human rights in a derogatory manner. He has affirmed during a speech in the House of Representatives that human rights organisations “defend the rights of low-lifes, prisoners and tramps” (Brazil, Bolsonaro 1998)—a view widespread in the country.\(^\text{234}\)

During the twenty-eight years Bolsonaro served as a Federal Deputy in the Brazilian Congress, time and again he opposed the initiatives concerning the legacies of dictatorship and the memory they promote. He attacked CNV on many occasions, referring to the truth commission as “farical,” a “so-called truth commission” and “the commission of clowns, lies and cowardice,” which he described as an effort “typical of communist, socialist and dictatorial countries” that would “put lies in the school books.” He also claimed that the Amnesty Commission was devoted to “vendettas (...) they want to carry on persecuting the military who have provided so many services to the Nation” (Brazil, Bolsonaro 2011a, 2011b, 2011c, 2011d, 2013, 2007).

Bolsonaro aligns his discourse to the more extreme views within the Armed Forces. He supports revisionist and negationist interpretations of the regime, for example employing the terms ‘military movement of 1964’ and ‘the 1964 Revolution’ instead of ‘coup d’état.’ Bolsonaro considers ‘heroes’ the military officials who fought in the front line against leftist militants, including known torturers (Brazil, Bolsonaro 1998; G1

\(^\text{234}\) A study commissioned by the federal government published in 2010 affirms that only a third of Brazilians are in favour of respecting the rights of prisoners and outlaws (Venturi 2010, 24). A more recent poll by Ipsos affirms that one in five Brazilians associates human rights with outlaws; 66% claim that the human rights of outlaws are more protected than the rights of victims of crime, and “35% of Brazilians understand those rights are related to left-wing political parties” (Ipsos 2018, 36).
The authoritarian character of the regime is well-documented, and the atrocities officials committed can no longer be denied. The reprehensible character of the dictatorship that haunted Brazil for more than twenty years must be acknowledged, and democracy must be valued.

President Bolsonaro supports aggressive policing, and has defended the death penalty, the chemical castration of rapists and lowering the age of criminal responsibility of minors. He has also put forward laws relaxing gun ownership and regulating extrajudicial killings by officials in the security forces. If implemented, these changes would increase the likelihood of a repetition of human rights violations that occurred in Brazil’s past. His tough, firm-handed approach to criminal justice issues generate concern to groups interested in the rule of law and human rights.

Brazil is still immersed in a reality shaped by the afterlives of the post-1964 regime, its citizens live with the tangible and intangible legacies of over two decades of authoritarianism. In the words of Reis Filho, “the dictatorial remains are everywhere” (2012, 1): the trail of legal, political and economic policies still in place after the end of the regime is deemed “heranças malditas” (a “damned heritage”) by commentators (Teles and Safatle 2010). The truth is that not much changed in how the government is run: the police and the judiciary did not purge officials complicit in human rights abuses; the National Security Law remains in force; the national-statist model of capitalism obsessed with large infrastructural projects remains in power (Sader 2012; Mezarobba 2016). Many are sceptical about what was achieved by the transition to a democratic regime because it did not end illegal state violence or provide adequate protection and promotion of human rights. A fragile ‘democratic situation’ (Fausto 1994, 527) was obtained—an ‘authoritarianism without a dictatorship’ (Codato 2005a, 13).

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235 Bolsonaro’s discourse is more radical than the discourse of established officials, who support a revisionist interpretation of the regime but do not openly articulate a discourse that shows admiration for torturers. Another element that demarcates a divergence in their discourse is the fact that the Bolsonaro family has close ties to militia gangs (Barbara 2019; Mello 2019; Olliveira 2019; Wheatley 2019). These are clandestine groups of rogue security agents (i.e. serving and retired police officers, firefighters and military officials), derived from Death Squads, paramilitary forces which tortured and killed common criminals during the military regime (briefly discussed in Section 5.2.1, above).

236 Brazil became less stable after the return of democracy: it “worsened (…) for the ten years after transition” (Sikkink and Walling 2007, 437). Henrique Furtado claims there was an upsurge in violence: “from the early 1980s to the late 1990s, Brazil witnessed a 209% increase in homicide rates” (2016, 16).
Because the military regime was foundational to modern Brazil, a deep understanding of how it came into place and managed to retain power, as well as its transformations into the Brazil of today is necessary. One of the most uncomfortable aspects in relation to the past and how it has been dealt with is the continued support for authoritarian tendencies among Brazilian voters, which has been referred to as Brazil’s “socially rooted authoritarianism” (Pinheiro, 1994). The country seems to be in a constant iteration of an authoritarian attitude that can be traced back to the dictatorships of the 20th century, if not further back in time—historian Sérgio Buarque de Holanda (1995 [1936]) famously claimed that colonial modes still run deep in Latin America. How else to begin to understand the conservative political culture and mass support for authoritarian leaders found in Brazil? Or the collective misremembering found in Brazilian society, in which more than half think that the legacy of the dictatorship was positive (Datafolha 2014). Support for direct military intervention was on the rise in the lead up to Bolsonaro’s election.237

Human rights violations perpetrated by state agents are not a thing of the past, but everyday occurrences in Brazil. The non-repetition of human rights violations called for by the initiatives concerning the legacies of dictatorship is a utopic vision. International institutions warn that killings, arbitrary detentions, the torture and ill-treatment of detainees by the police, attempts to criminalise peaceful protesters and threats to freedom of the press are present concerns (Amnesty International 2016). There is also a concern for those living on the street and in slums, where counter-narcotic operations conducted by heavily weaponised security forces are known to result in civilian casualties, with young black men suffering the worst of the violence (United Nations, Human Rights Council 2017).

Today’s perpetrators are members of the military police force.238 Their victims are poor and live in the favelas or on the streets of Brazil. They have dark skin and are targeted

237 A 2014 study claims that “nearly one out of every two adults in Brazil report that they would find a military coup to be justified under conditions of high corruption” (Russo 2015). A poll from 2016 shows support for democracy at 32% (Latinobarómetro 2016, 11). In 2017, that percentage was of 34.6% (see also Cohen et al 2017). Alternative studies recorded higher support for democracy, at 56% (Datafolha 2017a). The Armed Forces have consistently been found to be Brazil’s most trusted institution (Oliveira Jr et al 2011, 13; Datafolha 2017b), ahead of any of the country’s political bodies (Ibope Inteligência 2015).

238 Brazil’s military police is made up of military reservists; it is a force separate from the military, at the disposal of regional executive powers. In the state of Rio de Janeiro, for example, these forces have been deployed in
because of the police’s racial profiling. Impunity for past crimes and the continued violence represent an eternal state of exception that makes coming to terms with the past rather difficult. A line cannot be drawn under the past so long as contemporary violence looms so large in relation to the violence of the dictatorship.

Human rights commissions and similar initiatives that ‘deal with’ the past in societies with a legacy of large-scale past abuses can be an effective way to reach the nearly universal condemnation of human rights violations. In the Brazilian case, though, it is fair to question the validity of the political and social consensus the initiatives invoke, which defines human rights violations (often understood as physical pain) as something to be condemned and denounced. It cannot be confidently said that the initiatives established between 1995 and 2016 are an example of in-depth understanding of the people they serve and place the public good—their needs and experiences—at the core of policymaking.

The initiatives concerning the legacies of dictatorship established by the executive branch of the government have not been successful in reaching out across the Brazilian society, articulating a public memory for the whole society and expanding a sense of ownership for the past and shared responsibility for the perpetuation of its legacies. For this to happen, and to promote the restoration of relations within and across communities from all sectors of the population, a wider process is needed, involving more historical and context-sensitivity in an open dialogue among the existing diversity of voices and experiences of the past. The challenge is to divert Brazil to a future that is fundamentally different from its past—so that “never again” ceases to be always the same.

counter-narcotic operations, against drug cartels. What is commonly referred to as ‘war on drugs’ is responsible for more than 50% of intentional violent deaths occurred in the country. In 2015, more than 58,000 homicides were committed in Brazil. In 2017, that number reached 65,000 (Alessi 2016; FBSP 2016; FBSP 2019).
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Summary

The Discursive Construction of the Past: Initiatives Concerning the Legacies of Dictatorship in Brazil (1995-2016)

This dissertation contributes to the knowledge of Latin American public memory policies with particular reference to Brazil’s initiatives concerning the legacies of its most recent dictatorial regime. It surveys texts produced by the initiatives implemented between 1995 and 2016 by the executive office of the Brazilian federal government to critically analyse representations of the nation’s past produced by their discourses.

The 1964-1985 dictatorship was a regime marred by censorship, characterised by state-sponsored violence and abuse of authority by the military officials who ruled the country. Citizens were imprisoned for their political views and subjected to psychological and physical abuse. Summary executions, torture and other serious crimes were committed, and the officials responsible for these crimes are shielded from prosecution to this day by an Amnesty Law introduced in 1979.

Brazil was sluggish to investigate the allegations of gross human rights violations committed during the regime. Initially, financial reparation was the main form of redress offered to the regime’s victims by the federal government. In 1995, the Special Commission on Political Deaths and Disappearances (CEMDP) acknowledged state responsibility and provided financial compensation to relatives of political opponents unlawfully killed by the military. The Amnesty Commission was implemented in 2002 to provide financial compensation to citizens whose professional careers had been negatively affected by the political persecution of the regime.

Memory and truth initiatives were established later in the Brazilian case. Revealed Memories, a project to preserve historical records and disseminate information about the military regime, was set up in 2009 and a national truth commission (CNV) was established in 2012. Its aims were to determine the truth about gross human rights violations committed between 1946 and 1988, name the state agents responsible and provide recommendations to prevent the repetition of gross human rights violations. The CNV
The report consolidated the research done previously by civil society (such as *Torture in Brazil* and the Commission of Relatives of the Political Dead and Disappeared), the Amnesty Commission and CEMDP.

This dissertation demonstrates that as they ‘deal with the past’—performing actions such as apologising and providing reparations to victims, preserving evidence and publishing, curating or commissioning materials about the past—the initiatives formulate and disseminate representations of the past. They act as powerful sites for the regulation and insertion into the public realm of discourses about the past. Through their discourses they propagate an official interpretation of history and thus help to shape what is collectively memorialised, potentially affecting how present and future generations of Brazilians will think and talk about the recent past.

The initiatives were not planned as a comprehensive national public memory policy; the gradual process through which they were designed and implemented by the executive power of the federal government meant that they each came about at different moments, having to face different challenges and disputes that shaped their actions, discourses and outcomes. This dissertation investigates the discourses about the past formulated by initiatives designed by the federal executive in isolation from other discourses in public circulation, with a view to disclose any entanglements, overlaps and divergences that exist among them. The Discourse-Historical Approach (a form of discourse analysis) is applied to reveal the discursive mechanisms, rhetorical patterns and recurring tropes identified in the Brazilian initiatives’ discourses about the dictatorial period.

Texts produced by the initiatives, actors within the state initiatives and political leaders at the federal level of government were examined with attention to what was said about the past, how the initiatives’ goals are constituted and articulated in their language use and what resulted from their discourses. The texts comprise of printed, online and audio-visual media including law-making procedures, outreach texts produced for wider consumption, materials curated or commissioned by the initiatives and materials not intended for wide circulation. Examples include speeches, laws, official documents and reports, press releases, books, interviews and documentary films.
The interwoven, disordered discourses of the federal government’s initiatives are diverse; they offer a collection of stories that resemble a collage or a mosaic. The initiatives employ different terms, have different objectives and sometimes provide different meanings to the past. Nevertheless, after careful analysis of the content, realisations and strategies of argumentation in the rhetoric of the past constructed by the Brazilian government’s initiatives, this study shows there is a pattern in the representations of the past they construct.

The findings suggest that victim-centred narratives are especially relevant for the discourses of the state initiatives. The experience of the past of political opponents of the regime who were killed and/or tortured is incorporated into the historical discourse and version of the past they disseminate. As much as is feasible, the initiatives align their discourses to discursive practices centred on human rights violations: they condemn, denounce and object to the gross human rights violations occurred during the authoritarian regime. Finally, the initiatives attribute a strictly negative value to the recent past and characterise the years 1964-1985 as a terrible, tragic period in Brazil’s history from which lessons must be extracted.

The Brazilian initiatives are a relevant case study of societies dealing with difficult pasts. Since projects to deal with the past were implemented and the reckoning with the past was well on its way, revisionist and negationist perspectives gained traction in the country. This indicates that Brazil’s construction of a shared meaning for the post-1964 regime is still very much a work in progress.
Samenvatting

De discursieve constructie van het verleden:
Herinneringsinitiatieven in post-dictoriaal Brazilië (1995-2016)

Dit proefschrift draagt bij aan de kennis van het Latijns-Amerikaanse publieke herinneringsbeleid, in het bijzonder met betrekking tot de Braziliaanse projecten rondom de erfenis van zijn meest recente dictatoriale regime. Het proefschrift onderzoekt teksten die tussen 1995 en 2016 door deze projecten in opdracht van het uitvoerende bureau van de Braziliaanse federale overheid geproduceerd zijn en analyseert de representaties van het nationale verleden die door hun discoursen geproduceerd worden.


Onderzoek naar de beschuldigingen van grove mensenrechtenschendingen tijdens het regime liet lang op zich wachten. Aanvankelijk waren herstelbetalingen de belangrijkste vorm van reparaties die door de federale overheid aan de slachtoffers van het regime werd aangeboden. In 1995 heeft de Speciale Commissie voor Politieke Doden en Verdwijningen (CEMDP) de verantwoordelijkheid van de staat erkend en financiële compensatie verleend aan familieleden van politieke tegenstanders die onwettig door het leger zijn gedood. De Amnestiecommissie werd in 2002 ingesteld om financiële compensatie te bieden aan burgers wier professionele carrière negatief was beïnvloed door de politieke vervolging van het regime.

Herinnerings- en waarheidsinitiatieven kwamen later. In 2009 werd het project Revealed Memories opgericht om historische archieven te bewaren en informatie over het militaire regime te verspreiden, en in 2012 werd een nationale waarheidscommissie (CNV)
opgericht. Het doel van de commissie was om de waarheid over de grove mensenrechtenschendingen tussen 1946 en 1988 te bepalen, de verantwoordelijke staatsagenten aan te wijzen, en aanbevelingen te geven om herhaling van grove mensenrechtenschendingen te voorkomen. Het CNV-rapport erkende niet alleen de misdaden die tijdens de dictatuur gepleegd werden, maar consolideerde ook het onderzoek dat eerder werd uitgevoerd door het maatschappelijk middenveld (zoals Torture in Brazil en de Commissie van Familieleden van de Politieke Doden en Verdwenen Personen), de Amnestiecommissie en de CEMDP.

Dit proefschrift laat zien dat de verschillende projecten in hun omgang met het verleden, zoals het aanbieden van excuses en reparaties aan slachtoffers, het bewaren van bewijsmateriaal en het publiceren, samenstellen of verzamelen van materiaal over het verleden, representaties van het verleden formuleren en propageren. Ze hebben grote invloed op de regulering en integratie van discoursen over het verleden in het publieke domein. Met hun discoursen propageren ze een officiële interpretatie van de geschiedenis en helpen zo vorm te geven aan de collectieve herinnering, en beïnvloeden ze hoe huidige en toekomstige generaties in Brazilië denken en praten over het recente verleden.

De projecten waren niet bedoeld als een alomvattend nationaal herinneringsbeleid. Ze werden geleidelijk ontworpen en geïmplementeerd door de uitvoerende macht van de federale overheid, kwamen elk op verschillende momenten tot stand en kwamen in aanraking met verschillende uitdagingen en conflicten die hun acties, discoursen en resultaten vormden. Dit proefschrift onderzoekt de discoursen over het verleden die in opdracht van de federale uitvoerende macht zijn geconstrueerd los van andere publieke discoursen, met als doel eventuele verstrengelingen, overlappingen en verschillen bloot te leggen. De ‘Discourse-Historical Approach’ (een vorm van discoursanalyse) wordt toegespitst om de discursieve mechanismen, retorische patronen en terugkerende tropen in de discoursen van de Braziliaanse initiatieven over de dictatoriale periode zichtbaar te maken.

Het proefschrift onderzoekt teksten die door de projecten geproduceerd zijn, actoren die een rol speelden in de projecten, en politieke leiders op het federale niveau van de overheid, en analyseert wat er over het verleden werd gezegd, hoe de doelstellingen van de initiatieven zijn gevormd en verwoord en wat het gevolg was van
hun taalgebruik. De teksten bestaan uit gedrukte, online en audiovisuele media, waaronder wetgevingsprocedures, outreach-teksten die zijn geproduceerd voor een breder publiek, materialen die zijn samengesteld door of in opdracht van de projecten, en materialen die niet voor verspreiding bedoeld waren. Voorbeelden hiervan zijn toespraken, wetten, officiële documenten en rapporten, persberichten, boeken, interviews en documentaires.

De verweven, ongeordende discoursen van de federale projecten zijn divers; ze vormen een verzameling verhalen die lijkt op een collage of een mozaïek. Ze hanteren verschillende concepten, hebben verschillende doelstellingen en geven soms verschillende betekenissen aan het verleden. Toch toont dit proefschrift, na zorgvuldige analyse van de inhoud, realisaties en argumentatiestrategieën die gebruikt worden in de retoriek van het verleden dat door de federale projecten geproduceerd werd, een patroon in de geconstrueerde representaties van het verleden.

De analyse suggereert dat verhalen waarin het slachtoffer centraal staat belangrijk zijn voor het discours van de projecten. De ervaringen van politieke tegenstanders van het regime die werden gedood en/of gemarteld zijn opgenomen in het historische discours en de versie van het verleden die de projecten verspreiden. Voor zover mogelijk stemmen de projecten hun discours af op discoursen rondom mensenrechtenschendingen: ze veroordelen, verwerpen en maken bezwaar tegen de grove mensenrechtenschendingen die plaatsvonden tijdens het autoritaire regime. Ten slotte spreken de projecten een negatief waardeoordeel uit over het recente verleden en karakteriseren ze de jaren 1964-1985 als een vreselijke, tragische periode in de Braziliaanse geschiedenis waar lessen uit moeten worden getrokken.

De Braziliaanse initiatieven zijn een relevante case study van samenlevingen die zich bezighouden met een moeilijk verleden. Terwijl de projecten rondom de omgang met het verleden werden uitgevoerd en de afrekening met het verleden in volle gang was, wonnen revisionistische en negationistische perspectieven door het hele land aan populariteit. Dit geeft aan dat de constructie van Brazilië van een gedeelde betekenis voor het regime van na 1964 nog steeds een work in progress is.
Resumo


Esta dissertação contribui para o conhecimento das políticas de memória pública latino-americanas, com referência em especial às iniciativas brasileiras relacionadas aos legados de seu regime ditatorial mais recente. Os textos pesquisados foram produzidos pelas iniciativas implementadas entre 1995 e 2016 pelo poder executivo do governo federal brasileiro para analisar criticamente as representações do passado nacional criadas por seus discursos.

A ditadura de 1964-1985 foi um regime marcado pela censura, caracterizado por violência patrocinada pelo Estado e abuso de poder por parte das autoridades militares que governavam o país. Os cidadãos foram presos por suas opiniões políticas e submetidos a abuso psicológico e físico. Execuções sumárias, tortura e outros crimes graves foram cometidos, e os oficiais responsáveis por esses crimes estão protegidos até hoje por uma Lei de Anistia introduzida em 1979.

O Brasil foi lento na investigação das alegações de graves violações de direitos humanos cometidas durante o regime. Num primeiro momento, a reparação financeira foi a principal forma de reparação oferecida pelo governo federal às vítimas do regime. Em 1995, a Comissão Especial sobre Mortos e Desaparecidos Políticos (CEMDP) reconheceu a responsabilidade do Estado e forneceu uma compensação financeira a familiares de opositores políticos mortos pelos militares ilegalmente. A Comissão de Anistia foi implementada em 2002 para fornecer compensação financeira a cidadãos que tiveram suas carreiras profissionais afetadas negativamente pela perseguição política do regime.

No caso brasileiro, as iniciativas de memória e verdade foram estabelecidas posteriormente: Memórias Reveladas, um projeto para preservar registros históricos e disseminar informações sobre o regime militar, foi criado em 2009 e uma comissão nacional da verdade (CNV) foi criada em 2012. Seus objetivos eram determinar a verdade
sobre as graves violações de direitos humanos cometidas entre 1946 e 1988, identificar os agentes do Estado responsáveis e fornecer recomendações para evitar a repetição de graves violações de direitos humanos. O relatório da CNV fez mais do que apenas reconhecer as violações cometidas durante a ditadura. O relatório consolidou a pesquisa realizada anteriormente pela sociedade civil (como Brasil: Nunca Mais e a Comissão de Familiares dos Mortos e Desaparecidos Políticos), pela Comissão de Anistia e a CEMDP.

Esta dissertação demonstra que, enquanto “lidam com o passado”—realizando ações como pedir desculpas e reparar as vítimas, preservar documentos e publicar, selecionar ou comissionar materiais sobre o passado—as iniciativas formulam e disseminam representações do passado. As iniciativas atuam como locais importantes para a regulação e inserção de discursos sobre o passado na esfera pública. Através de seus discursos, elas propagam uma interpretação oficial da história e, assim, ajudam a moldar o que é coletivamente memorializado, afetando como gerações presentes (e futuras) pensam e falam sobre o passado recente.

As iniciativas não foram planejadas como uma política de memória pública nacional abrangente; o processo através do qual elas foram concebidas e implementadas pelo poder executivo do governo federal foi gradual, o que fez com que cada uma delas surgisse em um momento diferente, tendo que enfrentar diferentes desafios e disputas que tiveram efeito em suas ações, discursos e resultados. Esta dissertação investiga os discursos sobre o passado formulados por iniciativas concebidas pelo executivo federal de maneira isolada com relação a outros discursos em circulação pública, com o objetivo de identificar eventuais enredamentos, sobreposições e divergências existentes entre si. A Abordagem Discursivo-Histórica (uma forma de análise do discurso) é aplicada para revelar os mecanismos discursivos, os padrões retóricos e tropos recorrentes identificados nos discursos das iniciativas brasileiras sobre o período ditatorial.

Textos produzidos pelas iniciativas, atores das iniciativas estaduais e lideranças políticas no nível federal de governo foram examinados com atenção ao que foi dito sobre o passado, como os objetivos das iniciativas se dão e se articulam no uso da linguagem e o que resultou de seus discursos. Os textos compreendem mídia impressa, on-line e audiovisual, incluindo procedimentos legislativos, textos de divulgação produzidos para um consumo mais amplo, materiais selecionados ou comissionados pelas iniciativas e também materiais não destinados à ampla circulação. Exemplos incluem discursos, leis,
documentos oficiais e relatórios, comunicados de imprensa, livros, entrevistas e documentários.

Os discursos das iniciativas do governo federal são diversos, entrelaçados e desordenados; eles oferecem uma coleção de histórias que lembram uma colagem ou um mosaico. As iniciativas empregam termos diferentes, possuem objetivos diferentes e em alguns momentos fornecem significados diferentes para o passado. No entanto, após uma análise cuidadosa do conteúdo, realizações e estratégias de argumentação na retórica do passado construída pelas iniciativas do governo brasileiro, este estudo mostra que existe um padrão nas representações do passado que elas construem.

As evidências sugerem que as narrativas centradas nas vítimas são especialmente relevantes para os discursos das iniciativas do Estado. A experiência do passado de oponentes políticos do regime que foram mortos e/ou torturados é incorporada ao discurso histórico e à versão do passado que elas dissemem. Tanto quanto possível, as iniciativas alinham seus discursos a práticas discursivas centradas em violações de direitos humanos: condenam, denunciam e contestam as graves violações de direitos humanos ocorridas durante o regime autoritário. Por fim, as iniciativas atribuem um valor estritamente negativo ao passado recente e caracterizam os anos 1964-1985 como um período trágico e terrível na história do Brasil, do qual deve-se extrair lições.

As iniciativas brasileiras são um estudo de caso relevante de sociedades lidando com passados difíceis. Uma vez que os projetos para lidar com o passado foram implementados e o ajuste de contas com o passado já estava bem adiantado, perspectivas revisionistas e o negacionismo ganharam força no país. Isso indica que, no Brasil, a construção de um significado para o regime pós-1964 compartilhado pela sociedade ainda é um trabalho em curso.