On Demons and Dreamers: Violence, Silence and the Politics of Impunity in the Brazilian Truth Commission

Measures towards postconflict or post-authoritarian justice have historically relied on the merging of the concepts of silence, violence and impunity in order to create a single promise of justice. Scholars and practitioners in the field usually defend a trifold agenda of breaking the silence about violations of human rights, denouncing systematic violence in the past, and fighting impunity as the only way of ensuring that violence never happens again. This trope was mobilised in Brazil in 2014, when the report of the National Truth Commission (CNV) was released. However, in the Brazilian case, truth-seeking also produced its own form of "silence". Whereas the CNV commendably denounced 377 perpetrators as the demons responsible for implementing a state of terror during the last dictatorship (1964-1985), it also created a depoliticised and victimised idea of leftist militants as mere dreamers who fought for liberty and democracy in the past. By representing leftist militants as freedom-fighters, the CNV silenced their fundamental ideas (and actions) regarding the concept of revolutionary violence and its radical programme of structural change. In this paper I provide an explanation that connects the CNV's "silencing" of this political project to the unreflective merging between the concepts of silence, violence and impunity in the literature. Via a narrative analysis of the CNV's report and a critique of transitional justice debates, I argue that the silence on the political project of the radical left in Brazil echoes transitional justice's silence about the complexities of violence in general.

On 18 November 2011, Brazilian president Dilma Rousseff created a truth commission to investigate gross violations of human rights perpetrated from 1946 to 1988, emphasising the period of the right-wing, militarised dictatorship (1964-1985) (Lei Nº 12.528, 2011: art. 1º). Established almost three decades after re-democratisation, the *Comissão Nacional da Verdade* (National Truth Commission, CNV) came as the third investigative commission[1] in a series of official measures of redress. The commission impacted on the landscape of truth-seeking, inspiring the dissemination of almost a hundred independent commissions created by local governments and professional associations.[2] After two years and seven months, the CNV published a 3378-page, three-volume report on the times of state terror. Amongst its most important conclusions, the report re-affirmed the need to acknowledge the "institutional responsibility of the Armed Forces" (CNVa, 2014: Vol. 1, book 2, 964) for the so-called "Dirty War" and, for the first time, the need to reconsider the 1979 amnesty law (Ibid: 966) that has long since obstructed the implementation of criminal trials in the country.

Like many previous measures towards postconflict or post-authoritarian justice throughout the world, the CNV showed an interesting articulation between the concepts of *silence*, *violence* and *impunity*. Truth-seeking was defended as the *"contrary of forgetfulness"* (Rousseff, 2012) and as a necessary

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[1] Prior to the CNV, two other reparation commissions were established in 1995 and in 2001 (Santos, 2015).
[2] The CNV mapped more than a hundred such truth commissions (CNV, 2014a: Vol. 1, Book 1, 23).

step to break with decades of a "'sinister silence' protecting perpetrators and the crimes of state terror" (Pinheiro, 2013). The CNV itself was praised as a golden, albeit "belated", opportunity to promote atonement in Brazil (Schneider, 2011, 2014; Sikkink and Marchesi, 2015) and to reinforce the global fight against impunity (United Nations, 2014). Breaking the *silence*; denouncing *violence*; and fighting *impunity* composed the central vision of justice promised by the CNV.

Far from being an idiosyncrasy of the Brazilian case, this vision is part of a wider tradition of transitional justice built on the opposition between *punishment* and *political oblivion,* whereby the lack of criminal accountability in the aftermath leads to more unrestrained *violence*. According to this rationale, breaking with pacts of silence (Lessa et al, 2014) and criminalising perpetrators is the only way of preventing the emergence of "a culture of impunity in which violence becomes the norm, rather than the exception" (Sadat, 2007: 227). It is because of this vision of justice that alternatives to legal prosecutions – such as blanket or bargained amnesties (United Nations, 1997) – are commonly rejected. They represent the institutionalisation of the triad *silence*, *violence*, and *impunity*, working as "cover-up" policies for the absence of justice.

Critical scholars have long denounced this vision of justice as deeply problematic. In particular, they have questioned its unreflective merging of complex categories by showing how violence can produce traumatic moments when the lines between silence and speaking are blurred (Edkins, 2003), and how, sometimes, there is no clear choice between remembering and forgetting past atrocities (Zehfuss, 2007). They have also disputed the ideas of silence and forgetting as the simple absence of justice, showing the role of silence as a strategy for maintaining peace in scenarios of enduring social divisions (Eastmond and Selimovic, 2012; Obradovic-Wochnik, 2013). Instead, critical scholars argued that every form of redress has "its own silences and voids" (Jelin, 2007: 140).

Pushing this critique forward, this article offers a narrative analyses of the report of the CNV *vis à vis* the concept of violence in search for the "silences" and "voids" that support the struggle against impunity in Brazil. My main objective is to question the simple opposition between punishment and regimes of silence by investigating the assumptions about violence held by proponents of criminal prosecutions. In the first section, I briefly describe the history of Brazilian struggles for *criminal accountability* to show that they too have produced a form of "silence" regarding the political project of the radical left in the 1960s. In the second section, I connect this "silence" to a recurrent problem in the literature of transitional justice: the narrow understanding of violence that defined the punishment vs impunity debates. Finally, I go back to the Brazilian case in order to analyse how this simplified idea about violence affected the report of the CNV in relation to its descriptions of perpetrators and victims of state terror. My conclusion provides a political reading of struggles against

impunity in the aftermath as moments that determine which forms of violence *should be addressed* and which ones should be *silenced and forgotten*.

The Brazilian Fight against Impunity (1970s–)

The liberal opposition between *punishing perpetrators* in the aftermath and simply *forgetting* about violence, owns much to the history of struggles for resistance against authoritarian regimes in the Southern Cone of Latin America. From the 1960s to the 1980s the region was entangled in a period of political instability shaped by the ideological divisions of the Cold War. In Argentina, Brazil, Chile and Uruguay, conservative sectors of society and the military organised a series of coup's and waged counter-terrorist/counter-insurgency initiatives that left a shocking record of abuses. It was in this context, amidst the proliferation of the infamous forced disappearances, that survivors and relatives of victims naturally merged the concepts of *memoria, verdad y justicia* (memory, truth and justice) in a political struggle to reject the official denial of such abuses and to criminalise their perpetrators. It was in this scenario that the fight against impunity outspokenly appeared as a fight against *silence* and *political obliviousness*.

The faculty of memory denotes an individual's capacity to recollect past experiences. But memory can also become politicised when this recollection of the past[3] is mobilised to achieve a shared, political goal. As a specific form of activism, memory struggles seek to "allow survivors a voice" (Edkins, 2003: 18) by promoting memories of the past that are not currently accepted under a specific order (Wilson, 2001; Zehfuss, 2007; Mälksoo, 2015). They are struggles that have appeared around the world and at different times, using the remembrance of specific events as forms of resistance against the "threat to sovereign forgetting "(Auchter, 2013: 310) and the perpetuation of regimes of silence. These struggles are not specific to Latin America, but "what is peculiar to the Southern Cone countries is the strong and visible presence of the human rights movement as […] an 'administrator' of memory" (Jelin, 2003: 33).

The democratic resistance against state terror in the Southern Cone was led by human rights activists who worked as "memory entrepreneurs" (Ibid.). Rejecting the denial of violations, they produced new channels for different "interpretations" of the past. Their mobilisation of "memory – no longer individual, but collective and historical memory" (Jelin and Azcarate, 1991: 29) was supported by a humanitarian framework that provided both "the legal basis for the documentation of evidence of human rights abuse" (Humphrey, 2002: 117) and the political goal of criminal accountability. It was

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[3] For a more general account social or collective memory see (Connerton, 1991; Halbwachs, 1992; Mistal 2003; Olick, 1999). For works employing the political side of remembrance in the field of Global Studies see (Auchter, 2013; Bell, 2006; Edkins, 2003; Zehfuss, 2007; Mälksoo, 2015; Heath-Kelly, 2016).

this strong and visible presence of the humanitarian agenda that strengthened the overlapping between the categories of *silence, violence, and impunity*, into a double, memorial-humanitarian political programme. As members of memory struggles, South American activists fought the *silence* on violations of human rights so these violations were not forgotten. As defenders of humanitarianism they opposed the impunity of perpetrators so violence would never happen again.

During the period of re-democratisation (1980s-1990s), these complex struggles shared space in the political arena with a conservative trope of pacification. The social demand for criminal accountability was countered by a specific appropriation of the complex idea of political reconciliation. For defenders of this pacifying, reconciliatory position, the past regimes of terror and the systematic violations of human rights were nothing but the results of a "just" albeit "dirty" war fought between right-wing and left-wing radicals, or the *dois demônios* (two demons) of the past. According to this theory, both the radical left – the guerrilla movements of the 1960s – and the local Armed Forces were to blame for the mass abuses that followed from their struggle for power. The theory of two demons framed state-led violations of human rights as either necessary acts to protect national security from the communist threat, or as the mistakes of a few rouge officers (D'Araujo *et al,* 1994; Huggins, 2000). In other words, supporters of reconciliation argued that violations were *exceptional* cases, either in the sense of being the product of a state of exception (encapsulated in the idea of a "dirty war") or as unrepresentative of the conduct of most officer within the regimes. Based on this depiction, the reconciliatory position argued for forgiveness, claiming that remembering the past could risk spurring a *cycle of revenge* between former antagonists. Against the "dangerous" agenda of human rights activists – which were accused of stubbornly "looking backwards" (Lessa, 2011: 179) – defenders of reconciliation pointed the necessity for "turning the page" (Silva Filho, 2008: 174), moving on, and protecting the fragile peace.

In Brazil, the clash between these two perspectives resulted in an immense loss for the fight against impunity and a victory for the conservative position. In 1979, the regime passed an amnesty law that appropriated and twisted the demands of the memorial struggle in favour of an *amnesic* position. The military's take on state pardon allowed exiles to return, but had a significant catch: the law excluded the "crimes" of "terrorism" from its amnesty whilst fully exonerating the crimes of state terrorists (Huggins, 2000; Schneider, 2011). In the following decades, the 1979 amnesty re-defined the trajectory of memorial-humanitarian struggles in many ways. First, it associated the ideas of political reconciliation and state pardon with the institutionalisation of *impunity.* The unilateral amnesty meant that archives of the political police remained closed, authorities continued to deny cases of torture or dismiss them as unimportant, and the military kept commemorating the "neutralisation" of clandestine organisations in their "just" war. Second, the amnesty associated the theme of social

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forgiveness with a set of policies that promoted the *silence* of, and *obliviousness to,* the crimes of state agents in the past. Last but not least, the law entailed the total rejection of the theory of two demons – seen by activists as the equal blaming of victims and perpetrators – as a cynical account of the violent past. All of this helped to frame the promotion of *criminal accountability* of former state agents as the only way to break with both a regime of *silence* and its cynical misrepresentation of history.

Distancing himself from human rights activists, Reis (2010) sees the question of amnesty in Brazil in a more complex light. He grants that, while the "reconciliatory" amnesty indeed established a regime of silence about human rights violations, it also fomented a vision of history – or a collective account of the past – based on the silence about the *political project of the radical left*. Now, this specific silence was not exactly imposed by the military regime. Contrary to expectations, the "silence" Reis discusses represents a "void" that comes from the very narratives of the fight against impunity. It is the link between a single vision of postconflictual justice and its central assumptions about violence.

In Brazil, the silencing/forgetting of the political project of the radical left was originally shaped during the early decades of re-democratisation (1979-1995), even before the military completely left power, when truth-seeking remained a largely unofficial and dangerous affair. At this point, the agenda of memory struggles was defined around two poles: providing an objective account of state terror as a *systematic reality* and presenting a *mea culpa* for leftist political violence – excused as an immature, utopian decision. In unofficial reports, survivors disputed the fiction of a "just war", recounting the unethical, dehumanising violence of repression as more than mere mishaps. By steeling and photocopying documents from the military justice, activists could objectively show how the authoritarian regime had, in fact, *intentionally devised* a policy to exterminate dissent "against everything and everyone" (Arquidiocese de São Paulo, 1985: third part). In best-selling memoirs, survivors disputed the theory of two demons by reinforcing the nature of the radical left as the *true victims* of the past. They recounted the "particular mythologies" (Gabeira, 1981: 36), the "fantasies" (Ibid), and "great illusions" (Ibid: 18) that influenced the decision of young militants to join the armed struggle. This strategy was straightforward; the conservative description of the disappeared as "subversive terrorists" was rejected by a liberal vision of the disappeared as victims of their own ideological immaturity, "crushed by their utopian dreams" (Ibid: 147).

This *victimisation* of the radical left is what Reis sees as the central "silence" supporting struggles against impunity in Brazil and their common misrepresentation of the guerrilla. The radical left was a movement made of dozens of clandestine organisations that defected from the Brazilian Communist Party throughout the 1960s. Influenced by the atmosphere of the Cuban Revolution (1959-1961), leftist militants saw the March 1964 right-wing coup in Brazil as a defining moment. The ousting of a

labour-reformist government brought an immense sense of frustration and outrage amongst the left (Fico, 2013) signalling the impossibility of achieving institutional changes via peaceful, democratic means. It was at this point that the resort to political violence – in the model of a *Castro-Guevarista* insurrection – was infused with momentum. So, in a very historical sense there is no room for denial; from 1966 to the early 1970s the left did take part in *violent actions of resistance* against the authoritarian regime.

As part of a historical movement of race war (Foucault, 2003) or combat theories (Williams, 2010), leftist clandestine organisations read Brazilian society as divided between two classes of *oppressors* and *oppressed*. It was from this deep division that a structural form of violence emerged, based on the continuous and normalised exploitation of latter by the former. This violence was "not an extraordinary phenomenon in bourgeois societies" (Gorender, 1987: 226), but a fundamental "part of the everyday" (Ibid.). More than any ingenuity, it was this perception of a social order based on fundamental injustices that radical militants used to justify the resort to violent actions.

In the manifestoes of the radical left (both in Brazil and in the Global South) political violence was conceptualised as a structural process of deep *social reform*. This reform was not, however, the illusory reformism of the pacifist; it was the creation of a new order that can only emerge from the complete dialectical denial of the old and unjust order (Reis and Ferreira, 1985). The guerrilla was a "social reformer who takes up arms [...] against special institutionalised conditions of a given moment and dedicates himself to rupture these frames, with all the vigour allowed by the circumstances." (Guevara, 1999: 26). Violence was his "cleansing force" (Fanon, 2001: 94) used to give birth to new liberated beings from the ruins of the system of oppression. Leftist political violence was "revolutionary" because it was meant to strike straight at the essential divide (oppressors/oppressed) that symbolised oppressions, subverting its hierarchy. Every militarised action was understood as flipping what supported an unjust order: Bank robberies were revolutionary expropriations "taking back from bankers what they take from the people" (ALN and MR-8, 1997 [1969]: 227); assassinations were *justiçamentos*, the just execution "of executioners and torturers" (ibid.). Actions to induce "terror and fear to the exploiters" (ibid: 228) were indistinguishable from the goal of bringing "hope and the certainty of victory to the exploited" (ibid.). Terrorism was rendered "a quality that ennobles any honorable man [...] against the shameful military dictatorship and its monstrosities" (Marighella, 1982: 71).

The merits and demerits of this radical project aside, it endured a gruesome fate. Isolated from the people it proposed to save (Ridenti, 2005), the armed resistance was brutally overwhelmed by the Armed Forces and its members were imprisoned, tortured and disappeared. For almost three decades,

human rights activists fought so that these gross violations would never be forgotten and the violence of state terror would never happen again. And although their relentless struggle to criminalise perpetrators is commendable, its supporting trope of "leftist ideological naiveté" poses a problem: in rejecting the idea that militants were "violent terrorists" memory struggles have somehow silenced the main tenant of the radical left, that is, its belief about the *complexity of violence*. In the next section I will argue that this "silence" is far from being peculiar to the Brazilian case and, in fact, represents a recurrent void in the study and practice of transitional justice.

What is Never at Stake in the Punishment vs Impunity Debates

The question of criminal accountability in postconflictual scenarios is one of the central features of transitional justice (Orentlicher, 1991; Roht-Arriaza, 1998; Shaap 2014). Since the discipline's emergence,[4] debates about the implementation of peace, justice, and stability in the aftermath of systematic violence orbited the question of whether perpetrators should be punished or reconciled with society (Teitel, 2003; 2014). Over the years, from a seemingly intractable opposition between defenders and detractors of criminal prosecutions, the literature has moved towards seeing both *retributive* and *restorative* measures as "essential to building a culture of human rights" (Andrieu, 2010: 538-539). The concept of political reconciliation, the establishment of truth commissions, and different ideas of "*truth as acknowledgment* and *justice as recognition*" (du Toit, 2000: 123), are no longer synonymous with impediments to prosecutions. They are now considered as part of the "full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses" (United Nations, 2004: 4).

As retribution and restoration were progressively merged, the nature of transitional justice debates also slightly shifted. Preoccupied with the continuous failures of different transitional policies, a rising number of critics began to question the limits of these interventions. They moved beyond scrutinising isolated mechanisms, perspectives or cases (Miller, 2013) towards investigating the limits of the discipline itself, as part a global project of liberal peace (Nagy, 2008; Fourlas, 2015; Evans 2016). This relatively recent critique focusses on problems that have been continuously marginalised by some transitional justice scholars and practitioners, irrespective of their stance on criminal accountability. Instead of debating whether perpetrators should be punished or forgiven, this new wave of criticism

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[4] Scholars usually agree that transitional justice emerged (Arthur, 2009), expanded (Humphrey and Valverde, 2008; Leebaw, 2008), or was at least reshaped (Teitel, 2003) in the late twentieth century (1980s-1990s).

brings attention to dimensions that are not at stake in the punishment vs impunity debates. And here is where the concept of violence comes in.

New works started centring their critique of transitional justice on its *narrow understanding of violence*, leading to the privilege of some forms of suffering over others. They argued that responses to postconflictual scenarios traditionally emphasised cases of torture, extrajudicial executions, forced disappearances, and genocide, focusing on the individuals, or individual groups, that perpetrated abuses. Hence, the field's idea of violence was associated primarily with the phenomenon of state-led, or non-state, political violence (Moon, 2006) mainly "violations of civil and political rights" (Laplante, 2008: 333). The problem is that by focusing on these violations, criminal trials, truth commissions, and reparation programmes have continuously disregarded economic (Fletcher and Weinstein, 2002; Miller, 2013; Sharp, 2014), gendered (Aoláin, 2009; Bell et al, 2004) and racialized violations (Humphrey 2002; Wilson, 2001) that are "historically informed and rooted in ongoing experiences of social marginalization" (Gready and Robins, 2014: 10). [5]

In a sense, this critique highlights the problem of the liberal, unreflectively equation between *silence*, *violence* and *impunity*: the fact that violence is an incredibly complex concept that can be "applied to countless phenomena" (Wieviorka, 2009: 3).[6] If we read this insight about transitional justice's narrow understanding of violence alongside my description of Brazilian memorial-humanitarian struggles, we get to the central political dimension of struggles against impunity: the rendering of violence as an *intentional*, *cyclical* and *exceptional* phenomenon that silences the complexity of other possible interpretations of the phenomenon*.*

First, struggles against impunity conceive of violence as related to *intentionality.* This is the reason why transitional justice usually exhibits a strong focus on violations of civil and political rights and crimes against humanity. Cases of genocide, torture, enforced disappearances and other "inhuman" mistreatments may seem as a disparate array of gruesome acts, but they share a common legal denominator. In order to constitute international crimes, they all require a level of *intentionality* (or

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[5] There are numerous examples of these shortcomings in the literature, the obvious one being the question of racism in South Africa. Even though the TRC thoroughly denounced the racial foundations of apartheid, the grating of amnesties relied on a distinction between "political racism and private or 'pure' racism" (Wilson, 2001: 88) whereby racism was only considered political when strictly connected to party politics. Likewise, Björkdahl and Selimovic (2013) argue that even though the ICTY criminalised rape as gender violence, it still left unaddressed a series of gender-justice gaps in Bosnia and Herzegovina. Transitional Justice was unable to address the connections between gender and dispossession, the usual sexism that female witnesses had face in order to testify, and the spread of gendered nationalism (ibid.).

[6] For different interpretations of violence see (Galtung, 1969; Arendt, 1970; Derrida, 2001; Balibar, 2002; Fanon, 2008; Collins, 2009). For a good overview on the topic of violence in political theory see (Frazer and Hutchings 2008, 2011, 2014).

acknowledgement thereof). Genocide is characterised as a set of actions "committed with the *intent to destroy*, in whole or in part, a national, ethnical, racial or religious group" (United Nations, 1948b: Art. 2, my emphasis). Torture is described as "any act by which severe pain or suffering, whether physical or mental, *is intentionally inflicted* on a person for such purpose as obtaining from him or a third person information or a confession" (United Nations, 1996[1984]: Art. 1, my emphasis). Finally, enforced disappearances are violations of the right to liberty, and "presumably" the right to life, which "render their perpetrators and the state or state authorities which *organize, acquiesce in or tolerate* such disappearances liable" (United Nations, 1992a: Art. 5, my emphasis).

The feature of intentionality (and its derivatives) is important because it is what turns the violation of a right (life, freedom of movement, liberty) into a crime that renders perpetrators accountable. As part of *mens rea* (the set of elements composing a "guilty mind") "intention […] is the main concept in criminal law" (Douzinas, 2000: 239). The assignment of responsibility for a criminal act demands a level of culpability, and culpability involves a certain understanding of intentionality (Moore, 1997). In national legal systems, intentionality (*mens rea*) is often used to suggest a worse degree of culpability in the presence of the criminal act itself (*actus reus*) (Ibid.: Part II). An *intended wrongdoing* is accepted as a *worse category of wrongdoing*. When it comes to international criminal law, this distinction is crucial (Schabas, 2003). Precisely because the fight against impunity deals with crimes that outrage humanness itself, they are amongst the most heinous possible offenses. Their levels of culpability usually require that a perpetrator "shall be criminally responsible and liable for punishment for a crime […] only if the material elements are committed with *intent and knowledge*" (United Nations, 1998: Art. 30).

Intentionality brings us to the second point: the symbolic role played by "vengeance" in justifying transitional policies. Reducing the discussion about violence to intentionally committed actions stimulates a *cyclical* understanding of social conflict. It nurtures an idea that postconflictual contexts are always threatened by the risk of violence returning as vendetta. This is why some authors in the literature of transitional justice regard the "*cyclicity* of violence – violence that begets violence – as itself the paradigm of evil" (Meister, 2012: 41). This assumption supports arguments such as that the lack of criminalisation would create a "culture of impunity" normalising violations. According to this reasoning, more violence is always "the natural or predictable outcome of serious or violent wrongdoing" (Walker, 2006: 81). In other words, the argument presumes that unaddressed violations will naturally spur more violations, either in the form a "spiral of vengeance" (Ibid.) or of unhindered behaviour (Wilson, 2001; Crenzel, 2008). It is in order to break with this cycle of intentional vendetta between parts of a conflict that transitional justice promotes a "*postconflictual* ethos" (Williams, 2010:

92), that is, a mode of social interaction based on external limitations to the quasi-natural reproduction of intentional, violent acts.

This logic also supports the discipline's seemingly inexhaustible reference to Hannah Arendt, who herself defended practices of punishment and forgiveness "in order to break the unending vicious circle of vengeance" (Arendt, 2003: 23). According to Arendt, punishment is radically different from vengeance, since it constitutes a legitimate, controlled response to an original, instrumental act of violence. Criminal accountability differs from mere retaliation because it is infused with a political promise encompassing the "need of society to be protected against a crime" (Ibid: 25) and, at the same time, "the improvement of the criminal" (Ibid.). In this regard, punishment is considered the essential part of a postconflict "pedagogy" (Teitel, 2014) designed for societies attempting to reinstitute "normality".

Finally, "normality" leads us to a conception of violence as, essentially, an *exceptional* phenomenon. Classic works in the literature describe transitional responses as exceptional measures envisioned to overcome exceptional times (Teitel, 2000). This exceptionalism expresses a very specific understanding of the transitional moment (Arthur, 2009) as a "liberalizing transition" (Teitel, 2014: 101); a moment that promotes a "radical shift from repression to democracy" (Kritz, 1995: xxi) by exposing "the core illegitimacy of past rule" (Teitel, 2000: 26).[7] This postconflictual pedagogy creates a distinction between the "exceptional" irruption of violence and the democratic rule of law (Williams, 2010; Meister, 2012; Fourlas, 2015). In this sense the fight against impunity that follows from the end of systematic violations is part of a struggle to restore a peaceful and non-violent mode of coexistence. Criminalising wrongdoers – but also creating mechanisms for reintegrating them in the society they violated – are seen as fundamental aspects of the transitional promise of "never again" that "to prevent the recurrence of wrongdoing" (Schaap, 2005: 94).

As the Brazilian case illustrates, the problem with this formulation of violence is the risk of restricting the concept far too much, excluding from its scope other violences (sic) that do not fit in the category of *intentional, cyclical and exceptional* wrongdoing. The focus on impunity risks neglecting other forms of injustices that could be potentially involved "in the causes […] of conflict" (Mani, 2005: 27) or, quite simply, be responsible for scenarios of "unsustainable peace, unequal transitions and unending violence" (Miller, 2013: 379). It is in this sense that the fight against impunity – standing in opposition to the silence of, and political obliviousness to, violations – actively reproduces its own silence and

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[7] This distinction between repression and democracy merely assumes the rather complex relation between power, violence and authority at the core of the problematic of *Gewalt* (Huysmans, 2004; Walker, 2006; Jabri, 2006, 2010; Dexter, 2012).

obliviousness. Based on a "liberal-legalist influence that tends to favour freedom and liberty over equality" (Andrieu, 2010: 554), struggles against impunity have displaced the political project of the radical left in Brazil, based on addressing the country's fundamental inequalities (Reis, 2010). But there is also a more problematic dimension to this point. As I discuss in the next section, this legalist influence also displaced radical leftist ideas about the very *complexity of violence* in the report of the CNV.

The Missing Complexity of Violence in the CNV

Truth commissions are temporary bodies mandated to investigate past abuses, concluding with a report (Hayner, 2001) that narrates them in a large, historical and political context (Moon, 2006). They operationalize forms of "story-telling" that work by "making sense of experience through synthesising perceptions, emotions and meanings" (Humphrey, 2000:10) into a coherent set of events, following "a beginning and an end" (Misztal, 2003: 10) and disclosing "an interesting storyline" (Ibid.). These historical narratives are never clear-cut, uncontentious tales. Since "all narratives rely for coherence […] upon exclusions and breaks" (Spaulding, 2014: 140), they inevitably spur frictions between diverging accounts of political events (Edkins, 2003; Zehfuss, 2007). It is by analysing the exclusions supporting different historical narratives that we can see their critical political dimensions (Zerubavel, 1993).

Despite its outspoken goals of objectivity and neutrality (Rousseff 2012), the CNV still relied on a process of "truth-writing" that recounted contentious events along a specific storyline. A closer look at the CNV's "storyline" reveals no clear cut tale, but a complex historical, sociological and legal description of state terror whose coherence and cohesiveness is constantly disturbed by internal tensions; by the "voids" proper to the CNV's vision of justice. These internal tensions are not, in and of themselves, problematic. It is the report's attempt to control these tensions – foreclosing the possibility of other "interpretations" – that creates a political problem.

The CNV's report capitalises on both the tropes used by local activists and the concepts at work in the punishment vs impunity debates in order to control its "storyline". Because the commission was meant to address impunity concerning state-led violations of human rights, the report produced a story that begins and ends in the "protagonism of the Armed Forces" (Dallari, 2014). And because of the CNV's "clear option to adequate itself […] with the imperatives of international human rights law and its corollaries" (CNV, 2014a: Vol. 1, Book 1: 36), this story also employs a narrow understanding of violence. It is form the intertwining between these two central points (the focus on *impunity* and a

simplified idea about *violence*) that the CNV contributes for the *silencing* of the political project of the radical left.

Holding the "Demons" Accountable

The first volume does not start with the 1964 coup. Rather, the narrative situates the coup at the apex of a historical crescendo. According to the CNV, the overthrowing of the labour government represents the moment when longstanding concerns regarding Brazil's socio-political order finally explode. The report specifically emphasises how, from the 1930s onwards, a general fear of subversion progressively took shape among the Brazilian intelligentsia. This fear was based on patters of segregation, racism, homophobia, and a desire for modernisation that would become a constitutive aspect of the *Repressão*.[8] In this narrative, the Cold War plays the role of a catalyst; a moment when a plethora of different "subversions" to socio-political order were bound together, united by a fierce, anti-communist atmosphere. This analysis offered the CNV the possibility to highlight the *exceptionalism* of the regime: its role in *devising a more controlled, and more clearly discriminatory* use of violence. The report acknowledges that violations of human rights were common throughout Brazilian history, but it also affirms that torture and other inhumane mistreatments only became a *systematic reality intended to eliminate a part of the population* after the 1964 coup (CNV 2014a: Vol. 1, Book 1, 95).

During the Cold War, the military elite envisioned the Brazilian Armed Forces as the spearhead of Western forces in the fight against communism (ibid: 88). Reaffirming the importance of this self-identification, the CNV thoroughly unearths the "Western" influence behind the institutionalisation of state terror in Brazil. The report recounts how the theoretical basis of the Repressão referred to the French theory of revolutionary warfare, formulated during the Franco-Algerian wars. It describes how the secrecy of counterinsurgency operations mimicked the refined "English system" of "clean torturing" (ibid: 334) implemented in Northern Ireland. It finally connects the military's internal war to the US National Security Doctrine (ibid: 336), adopted and reformulated by authoritarian regimes in the Southern Cone. This trifold influence worked as the central node connecting subversion to the systematicity of the regimes' violations. In particular, the French theory framed a new relation of enmity by describing subversives as faceless, indistinguishable enemies (ibid: 330). And in order to fight communism and terrorism, the *Repressão* operated as a widespread dissection of the social body,

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[8] The *Repressão* (political repression) is a term commonly used in Brazil to describe the heterogeneous network of counterterrorism that operated in the 1970s.

continuously searching for different faces to its faceless enemy. It used the concept of subversion – a sufficiently vague idea – to embroil the perfect "strawman" of international communism, interweaving "deviant", "abnormal", and "uncivilised" behaviours as sources of imminent danger (ibid: 362).

Because it relied on socio-political prejudices, state terror spared no one. The cleansing of the "communist infection" began within the Armed Forces. From the mid-1940s to the 1980s 7,591 "subversive" military personnel were purged (CNV 2014a: Vol. 2, 11). Following the 1964 "revolution", this pattern of vigilance spread into every aspect of life. Seeing blue-collar workers as a class rife with "dissatisfaction" and "indiscipline" the regime criminalised unionism, hitting 536 unions and revoking the rights of 10,000 syndicalist leaders (ibid.: Vol. 2, 59). The idea "that homosexuality represented a subversive threat to Brazilian society permeated writings in supports of 1964 and the military regime" (Ibid.: Vol. 2, 291) leading to purges of public servants over charges of "homossexualism (sic)" (Ibid.: Vol. 1, Book 1, 197). Once torture was institutionalised "as a means to exercise power and total domination" (Ibid.: Vol. 1, Book 1, 402) ideas of "femininity and masculinity were mobilised to perpetrate violence" (ibid.). Perpetrators attempted to emasculate male prisoners, and constantly treated female dissidents as symbols of womanly decadence: "prostitutes, adulterous […] deviant mothers" (ibid: 402).

Racism and colonial hatred also informed the regime's violence. Anchored on a vision of civilisation, progress and industrialisation, the military intelligentsia saw Amerindians and their ancient modes of life as backwards "hindrances to the country's development" (Ibi.: Vol. 2, 245). This was strongly present in the symbology of state terror. The counter-terrorist operation that originated the *Repressão* was called *Operação Bandeirantes* (Operation Bandeirantes, OBAN), named after Portuguese colonial settlers who originally hunted and enslaved Amerindians. Defending Brazil's destiny manifesto as a future global power, the military persecuted members of the black movement who contested the myth of "racial democracy" supported "by the nationalist propaganda" (Ibi.: Vol. 2, 383). The consequences of this racialized component were startling. Based on a "very restricted sample" (ibid: 199), the second volume estimates at least "8,350 Amerindians were killed during the CNV's period of investigation, as a result of direct action of government agents or the lack thereof" (ibid.). Based on this thorough, historical analyses the commission emphasises that "supposed threats of 'delinquency', 'subversion' or 'terrorism' […] cannot be invoked to legitimise the practice of executions" (Ibid.: Vol 1, Book 1, 289) because they will inevitably mobilise wider socio-political prejudices, affecting innocent populations.

The CNV's storyline at times resembles the radical leftist notion of wider, more complex forms of violence related to the structure of society (racism, misogyny, exploitation). Nonetheless, the

commission's suggestive awareness of these complexities clashes with, and finally succumbs to a narrow understanding of violence as an i*ntentional, cyclical and exceptional* phenomenon. This highlights the biggest contradiction of the report. The CNV describes how state terror was substantially defined by racialized, misogynist and exclusionary lines, but because of *the absence of an overt intent to exterminate* non-white, female or dispossessed populations (Ibid.: Vol. 2) these forms of violence are side-lined, only playing a secondary role in the report's attribution of responsibility. In the end, the CNV only lists 377 perpetrators deemed responsible for *exceptionally* gruesome abuses,[9] under three different degrees of responsibility: "a politico-institutional responsibility for the doctrine behind political repression" (Ibid: Vol. 1, Book 2, 844), that is, devising an *intentional policy of systematic abuses*; "the responsibility over the control of the procedures in which violations of human rights were perpetrated" (Ibid.), the *knowledge and support* of such policies; and "the responsibility for the direct authorship of violations" (Ibid.). And to overcome Brazil's *exceptional* "culture of impunity", end the *cycle of violence*, and *normalise* everyday life, the report suggests a post-authoritarian pedagogy: acknowledging the responsibility of the Armed Forces (Ibid.: 964), demilitarising the police (Ibid.: 971), and, finally, overruling the amnesty law (Ibid.: 965). These measures towards the protection of human rights are vital, but they nonetheless induce a specific *silence.* Because they reproduce a narrow understanding of violence to criminalise a single individualised source (the military *demons*), they tend to downplay the *complexities of violence* that continue in liberal democratic settings.

Silencing a Subversive Dream

This silence of the complexity of violence, or at least its side-lining in the report's recommendations is the link between the focus on *impunity* and the *silencing* of the political project of the radical left. A link that operates via the question of victimisation. Humanitarianism portrays victims as "powerless, helpless innocent" (Mutua, 2002: 11) and violated by "primitive and offensive actions" (ibid.). Describing individuals and groups as victimised carries a tacit acceptance of their incorruptibility; a sense of their unquestionable irreproachable character (Lacerda, 2016). A victim is someone whose "injury and suffering must be considered worthy or blameless (innocent) or at least able to be represented as such" (Humphrey, 2002: 49). This need for victimisation creates an uncomfortable

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[9] The CNV claims the *Repressão* was responsible for an estimated 20,000 cases of torture (CNV 2014a: Vol. 1, Book 1, 350) and 434 fatal victims (ibid: 500).

place for transitional interventions that "find it difficult to contend with victims who are not in fact entirely blameless" (McEvoy and McConnachie, 2013: 500).

Despite describing the *Repressão*'s search for its faceless enemies via the persecution of all who deviated from the regime's idea of western, masculine and modern Brazilian identity, the CNV concludes that some segments were still more visibly victimised than others. The worst share of the regime's gross violations of human rights was "fundamentally directed against militants of political organisations" (CNV 2014a: Vol. 1, Book 1, 183), that is, the radical left. Here lays the biggest conundrum. In the CNV's narrative, state terror spared no one, but its agents can only be held accountable *vis à vis* a rather restrict number of violations (the deaths and disappearances).[10]

It is via the victimisation of the radical left that the report strikes the final blow at the complexity of violence. The CNV refused to investigate leftist acts of political violence because of its fundamental rejection of the theory of two demons. This inevitably led to charges of bias and partisanship by veterans and conservative sectors. What such facile accusations miss, however, is how the commissions' denial of leftist violence (both in the sense of the rejection to investigate violent acts and the dismissal of the theory about the complexity of violence) negatively affected the memory of the radical left. Now, the report could never simply deny that the radical left accepted and, in some cases, even glorified violent actions aimed at resisting the forces of oppression. But since it needed to create its incorruptible depiction of victims, the report resorted to a different strategy: transforming the radical left into a *depoliticized form of resistance* and dissociating this resistance from the idea of *subversive violence*.

The second volume contains an astonishing reflection on the meaning of resistance as the mobilisation of society around three main goals: "the defence and exercise of rights; the engagement against the violence and arbitrary power [of a dictatorship]; and the removal of consent with the dictatorial government." (Ibid.: Vol. 2, 330). The text emphasises the unquestionable legitimacy of resistance "in any form" (ibid.). Of course, this comes under one specific condition; resistance is conceived of as a reaction to primitive offenses, when the "rule of law is broken and the principles and values that support it are broken" (ibid.). In this depoliticised picture, resistance becomes a fight for "rights,

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[10] In the end, the CNV was accused of producing a hierarchy of victims, focusing mostly well-educated, male members of the radical left (Ridenti, 2005) to the detriment of other, marginalised populations such as peasants, blue-collar workers, LGBT, and Amerindians. One specific fact displeased activists. Whilst the CNV acknowledges authorial responsibility for the first and the third volumes – mainly about leftist militants – the second volume – where the suffering of all others is addressed – is listed under "the individual responsibility of some of the commission's advisors" (CNV 2014a: Vol. 2, vii). This avowal of responsibility creates a staggering imbalance between 2,000 pages commemorating 434 individuals, and 59 pages describing the plight of indiscriminate "masses".

legality and justice" (ibid.) and those who resist no longer fight "exclusively or primarily *in the name of ideological banners or a political project* [...] the essence of resistance is the defence of liberty" (ibid, my emphasis).

This is where the rejection to seriously engage with leftist violence meets the *silencing* of the leftist project of deep structural change. The report has more than 3,000 pages but it only engages with historical documents of clandestine organisations in a superficial, six-page discussion (ibid: Vol. 1, Book 2, 680-686) that only analyses the trajectory of one out of a dozen groups, the sixty revolutionaries who started the guerrilla in the Amazon. Focusing on the guerrilla is a smart move; it evokes the powerful mythology of the *guerrilheiro* as a *freedom fighter* while displacing the representation of the subversive, urban "terrorist". Moreover, the CNV shatters the symbolic equation between the radical left, terrorism, and the subversion of the political order by emphasising how the charge of subversion worked as an empty, umbrella-term; a "myth" based on socio-political prejudices and employed by an authoritarian regime to criminalise any form of dissent.

By depoliticising resistance and portraying subversion as an empty term, the CNV victimises leftist militants and, with a single stroke, reinforces a narrow concept of violence. The best illustrative example of this strategy is in a biographical reference to the icon of the armed resistance against the dictatorship: Carlos Marighella. When remembering Marighella, the CNV skims through the armed struggle, shifts focus away from the specific events that led to his premature death and simply ignores his Marxian-Leninist thoughts on the "rule of law" as a bourgeois illusion. Instead, the text brings attention to his essential love for poetry, quoting Marighella's famous poem, *Liberdade* (Liberty).

> I will not stay merely in the field of art,
> and with a firm heart, focused and strong,
> I will do everything to exalt you,
> serenely, oblivious to my own fate.
> I will ubiquitously say you are beautiful and pure,
> despite the risks brought by this audacity,
> so that one day I can contemplate you
> dominant, in a boiling transit.
> I desire you so, and in sum, in such a fashion,
> no human force can deaden
> this intoxicating passion.
> And so I may, if ever tortured I am,
> in happiness and indifferent to pain,
> die for you smiling, humming your name.
> (Marighella cited in Ibid.: Vol. 3, Book 1, 493).

At once, *Liberdade* merges the essence of resistance (as a depoliticised fight for liberty) with the essence of the symbol of past "terrorism". *Liberdade* frames liberty as the impassionate desire of a

revolutionary who is only too happy to die fighting for its sake. But liberty, here, is neither freedom from want nor from inequality. It does not require the complete dialectical denial of Brazil's unjust order. Written during Marighella's second imprisonment in 1939, liberty is understood in the poem as a dual freedom: freedom from the incarceration tormenting the prisoner and freedom of speech. This framing of liberty in terms of civil and political rights is what enables the CNV to create a continuum of resistances, connecting Marighella's radical struggle in the past to struggles against *impunity* in the present. But for this equation to work, the fundamental difference between Marighella's revolutionary project and the defence of the rule of law, that is, the belief in the complexity of violence, has to disappear. *Liberdade*'s clear reference to torture reinforces an account of violence as an *individualised violation* committed by an *identifiable and accountable perpetrator*. Written decades before Marighella embraced terrorism as ennobling, *Liberdade* paints a suitable but outdated picture: a resistance leader who is willing to die for democracy (as the rule of law), humming the name of freedom (as the defence of rights).

Finally, the CNV draws on the historical portrayal of leftist militants as the victims of their impossible dreams to dismiss the ideological remnants of their political project. The report constantly quotes testimonies of survivors denouncing their own "immaturity" (CNV 2014a: Vol. 1, Book 1, 412). Many a time these quotes appear as epigraphs, setting from the beginning of chapters the frames of reference of the story to come. In the chapter on violations, we are told the story of a survivor who devised an interesting strategy to endure the effects of psychological torture. While listening to the groaning and cries of his tortured comrades, and to avoid anticipating his own fate, he recounts forcing himself to sleep. The survivor explains that he slept "because while I was sleeping I could dream" (Ibid., 278) and when he was dreaming he "was breaking into barracks, seizing them, collecting the weapons that should be in the hands of the people" (ibid.). Sleeping became his "revolutionary duty" (ibid.) and in his sleep he *dreamed of a revolution*. Once again, the idea that *radical leftist militants were dreamers* work as an important narrative step to emphasise the need to punish state-led crimes against humanity. It closes the gap between the claim that survivors "were not terrorists" (CNV, 2014b: 23) and the traditional explanation that they were merely "*idealist youngsters* with the duty to fight against a dictatorship" (Ibid, my emphasis). But this account comes at a price: in order to acknowledge the radical left as a legitimate movement of resistance the CNV has to silence a central part of what resistance once meant.

Conclusion

The fight against impunity is an important part of the global agenda for the protection of human rights. It is unquestionable that those who committed atrocities in contexts of systematic violations must be held accountable and atone for their actions. Nevertheless, if we want to understand the wider political dimensions of impunity we need to drop the idea that *criminal accountability* is the opposite of regimes of *silence* and *political oblivion*. What the Brazilian case shows is that struggles against impunity do not necessarily bring an end to regimes of silence. On the contrary, they reorganise these regimes, transforming them, selecting which silences must be broken (the silence on violations of human rights) and which silences must continue (the silence on the complexities of violence and the radical meaning of resistance).

We can clearly see this politics of impunity in the report of the CNV. The storyline about the *demons* and the *dreamers* of the past has a series of functions. Despite acknowledging the structural basis of state terror the report delimits the responsibility over the violent past to a single accountable source (the military demons); it depoliticises the practice of resistance as the non-ideological defence of the rule of law; and, above all, it only acknowledges the fight for justice in terms of a struggle against impunity. All these functions converge on a central point, demanding one single thing: the exclusion of a wider discussion about what violence is and how it affects the world we live in. It is exactly by taking violence for granted (as an intentional, cyclical and exceptional phenomenon) that the CNV can single out perpetrators, create a continuum of past and present forms of resistance, and commemorate radical leftists as freedom fighters.

Nevertheless, this silence on the complexity of violence is by no means the fault of Brazilian commissioners only. As I emphasised earlier, those who spent their lives fighting back against state terror are more than familiarised with its structural features. They are well aware that the practice of torture, extrajudicial assassinations and forced disappearances relied on wider prejudices that associated communism with the subversion of the white, Christian and Europeanised Brazilian order. But they seem constricted by a general pattern in the core debates of justice in the aftermath. Addressing impunity in is meant to ensure that violence *never happens again*, but it has all too often become a way of forgetting about the violence that never ceases to happen.

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