

## INTRODUCTION

# THE CALCULUS OF RESTITUTION IN BRAZIL

In July 2003 at a weekly meeting in Rio de Janeiro of a human rights advocacy organization, a woman interjected a question into an evolving discussion taking place about amnesty and restitution in Brazil. The organization, Grupo Tortura Nunca Mais, had adopted in its name the call for “never again,” and specifically for “torture never again,” when it formed in 1985 during the political transition from a military dictatorship to democracy in Brazil. The woman who posed the question had been among urban university students who had joined groups mounting resistance to the dictatorship, which had taken a decidedly hard-line turn in late 1968. What happened to her over the months of her militancy, when she was not yet twenty years old, was both singularly devastating and yet commonplace for similarly situated middle-class students who had joined clandestine organizations.<sup>1</sup> Simply put, she was arrested, detained, and brutally tortured by state agents. Though some were tortured to death or disappeared while in custody, she was ultimately released. She then fled Brazil in exile, returning only after the passage of the 1979 amnesty. On that evening in July 2003, she asked the group: *Am I amnestied? Is my name on a list somewhere?*

Two years earlier, in August 2001, then president (and former political exile himself) Fernando Henrique Cardoso had created the Comissão de Anistia (Amnesty Commission) through a provisional measure. A law enacted in November 2002 formally instituted the commission under the auspices of the Ministry of Justice. The Amnesty Commission’s purpose was to receive and rule on petitions for restitution and indemnity

made by individuals who had been targets of state repression.<sup>2</sup> The Brazilian government's move to pay reparations to victims of former regimes followed similar steps taken elsewhere. Among the most striking, Switzerland announced in 1997 that it would sell gold reserves to fund payments to Holocaust survivors. The announcement followed allegations that Swiss banks had profited from doing business with Nazis, and that banking rules and associated bureaucracies had effectively dispossessed descendants of Jewish victims. These allegations, while not new, prompted unrelenting negative press in the mid-1990s. Elazar Barkan, author of *The Guilt of Nations*, remarked that the Swiss announcement—though predicated by the exhaustion of an official explanation based on Switzerland's policy of neutrality during the war—shifted “world morality” and drew attention to “amend[ing] historical injustice worldwide.”<sup>3</sup> Indeed, at the same time within Latin America, the Argentine government began to compensate victims and survivors of the 1976–1983 dirty war there. Then, shortly after the establishment of the Brazilian Amnesty Commission, a “soul-searching” Chilean government also budgeted for indemnity payments as well as medical and psychological aid for surviving torture victims of the 1973–1989 dictatorship under General Augusto Pinochet.<sup>4</sup> Only the Brazilian program, however, referred to the reparations as “amnesty.”

The woman who posed the question that evening had just recently made forays into political activism related to the reckoning with the dictatorship and had done so by frequenting the meetings of Grupo Tortura Nunca Mais. The group met in their offices above a flower shop that is across the street from the sprawling St. John the Baptist Cemetery in the Botafogo neighborhood of Rio de Janeiro. Their weekly discussions occurred above the seemingly constant screech of bus brakes and car horns on the busy General Polidoro Street that separates their second-story windows from the cemetery. Among those buried in the expanse of graves visible from their conference room are notorious former military presidents whose tenures of terror are discussed in the pages that follow. They include Floriano Peixoto, the iron-fisted dictator of the earliest days of the republic in the 1890s, and Emílio Garrastazu Médici, who had overseen a period of particularly harsh repression during the Cold War-era dictatorship.<sup>5</sup>

I was at the meeting that evening. One item on the agenda, in fact, was introducing me, an American graduate student who had come to Brazil on a fellowship to intern with a human rights organization. I would be assisting Grupo Tortura Nunca Mais with indexing their archive, which included many privately collected documents as well as published reports and newspaper clippings about torture and forced disappearances com-

mitted during the 1964–1985 dictatorship. These materials joined the records of the group’s advocacy since its founding following the return to civilian governance in 1985. The members had led efforts to denounce the abuses of the military regime. Though there would not be trials, the group had success early on in lobbying for, among other professional sanctions, the revocations of medical licenses for doctors who had monitored torture sessions and falsified autopsy reports and death certificates. They also advocated tirelessly for information about the disappeared.<sup>6</sup> Their archival materials had been carefully placed in plastic sleeves and collected in binders on shelves that lined their small conference room.

During my first months in Rio de Janeiro, and in subsequent research trips, I attended their weekly meetings and learned from them about a number of pressing human rights issues in Brazil. In a special way, however, something about that first meeting and the question posed about amnesty stayed with me. It is not a stretch to say that it planted the seed for this book. I was drawn to the complexities at play in the questions the woman asked. Trying to imagine her place, if any, in a new paradigm of reparations, she perhaps hoped for a procedural answer about required bureaucratic steps in petitioning to the Amnesty Commission. Yet there was something more philosophical about the question too. It had to do with what counted as amnesty and why it mattered.

*QUEM CAUSA DANO REPARA*  
(THE ONE WHO HARMS MUST REPAIR)

The fact that the restitution extended to victims of past repression was dubbed “amnesty” stands out. In neighboring countries, far from representing a measure of justice, amnesty had long equated with impunity.<sup>7</sup> In Chile, for example, just as the Amnesty Commission in Brazil began receiving what would ultimately total tens of thousands of petitions for restitution from victims of state terror (and the Chilean government began paying for health services for torture survivors), lawyers and human rights activists worked to refine a legal theory that might strike down, or at least circumvent, a Pinochet-era amnesty law and thus enable investigations and prosecutions of past atrocities to proceed.<sup>8</sup> They argued successfully that a forced disappearance, in the absence of information about the whereabouts of the body, amounted to a kidnapping-in-progress and therefore could not be considered to have occurred during the 1973–1978 period covered by the amnesty.<sup>9</sup>

An ocean away, in South Africa, the years leading up to the establishment of the Amnesty Commission in Brazil had likewise been dominated by ideas about amnesty. There, rather than deny amnesty to perpetrators, the post-Apartheid Truth and Reconciliation Commission

offered it in exchange for facts and information about the crimes they had committed. Though turning away from trials as the central avenue to address past atrocities, the South African commission nonetheless aimed to effectuate a form of reckoning. Their model of truth-for-amnesty had been designed to yield admissions of crimes from the perpetrators, acknowledgment of harm for the victims, and as a result, a foundation for a new society.<sup>10</sup> Supporters of the strategy argued, as Ruti Teitel explained, “that peace was a necessary precondition to democracy.”<sup>11</sup> Under the direction of Archbishop Desmond Tutu, the commission envisioned the process as one that would create the spiritual conditions for forgiveness and ultimately reconciliation.<sup>12</sup> Unlike Chile, where amnesty acted as a shield for perpetrators, in South Africa it was to be the tip of the spear in a nation-building project.

At that time in Brazil, amnesty was somehow both and neither. The 1979 amnesty law had been a demand of a burgeoning civil society movement on behalf of those who had been targeted and persecuted by the military dictatorship. Enacted among other steps in the gradual return to civilian governance, the amnesty provided mechanisms for possible restitution to victims. Despite efforts to the contrary, the same 1979 law included language that has effectively secured impunity for state agents responsible for violations of human rights in Brazil.<sup>13</sup> Yet Brazil also has a much longer history involving amnesty. In categorizing restitution as “amnesty,” the Amnesty Commission formalized and elevated a vocabulary that had been in use for a century or more. Indeed, in some ways, the commission itself was but the latest iteration of a familiar cycle in Brazilian history of making amends through amnesty.

The “amnesty” extended by the Amnesty Commission included formal acknowledgment of repression, monetary restitution, and eventually, an official apology on behalf of the state. Six years into the work of reviewing thousands upon thousands of petitions, the commission announced that the payment of reparations to victims of past political persecution signaled a return to “normalcy” in the judicial system. The commission articulated its contribution to the restoration of the rule of law in its responsiveness toward a fundamental principle of civil justice—namely, that the one who causes harm must repair.<sup>14</sup> In Portuguese, the deceptively simple precept is just four words: *quem causa dano repara*. Yet behind those four words lies a larger universe and longer history in Brazil about entitlement to restitution in the aftermath of repression. That history, just like the commission itself, is linked to the institution of amnesty. The reparations granted stood as a fulfillment of both the benefits guaranteed under the amnesty law as well as the larger spirit of amnesty more generally. Brazilians even utilize a substantive noun in Portuguese

FIGURE 1: TABLE - A CENTURY OF POLITICAL AMNESTIES IN BRAZIL

DATE	DECREE / LAW	
<b>FIRST REPUBLIC (1889–1930)</b>		
September 9, 1891	Decree no. 8	Conceded amnesty to those that took part in armed movements in the state of Pará.
August 5, 1892	Decree no. 72-B	Conceded amnesty to those implicated in revolts at the Forts of Lage and Santa Cruz.
September 16, 1892	Decree no. 83	Conceded amnesty to individuals who took part in revolutionary movements in the state of Mato Grosso and to those who directly or indirectly took part in the revolutionary movements in the state of Rio Grande do Sul.
September 12, 1893	Decree no. 174	Conceded amnesty to individuals implicated in the political events in 1893 in the state of Santa Catarina and in 1892 in the municipalities of Triunfo and others in the state of Pernambuco.
September 12, 1893	Decree no. 175	Conceded amnesty to persons implicated in the movements of March 2 in the state of Maranhão.
September 12, 1893	Decree no. 176	Conceded amnesty to the individuals who directly or indirectly took part in the movements that occurred in the Comarca of Catalão and the state of Goiás.
October 17, 1895	Decree no. 305	Conceded amnesty to the individuals implicated in the recent political events in the state of Alagoas and the city of Boa Vista in Goiás.
October 21, 1895	Decree no. 310	Conceded amnesty to all individuals who took part in revolutionary movements that occurred in the Republic up to August 23 of the current years (with restrictions).
May 5, 1896	Decree no. 406	Conceded amnesty to all who took part in the movement of September 4, 1896 in the state of Sergipe.
December 7, 1898	Law no. 533	Suppressed restrictions included in Decree no. 310 of October 21, 1895.
September 2, 1905	Decree no. 1,373	Conceded amnesty to all who took part in the movements in the capital on the night of November 14, 1904 and to related civil and military occurrences that preceded and followed it.
January 9, 1906	Decree no. 1,474	Exempted section of military personnel from restrictions included in Law no. 533 of December 7, 1898.
December 27, 1906	Decree no. 1,599	Conceded amnesty to all who directly or indirectly were involved in the most recent revolutionary movements in the states of Sergipe and Mato Grosso.
November 25, 1910	Decree no. 2,280	Conceded amnesty to navy insurgents.
December 13, 1912	Decree no. 2,687	Conceded amnesty to all implicated in the revolts of the navy battalion that occurred in Rio de Janeiro's port in December of 1910 as well as those in Manaus in October of 1910.
January 8, 1913	Decree no. 2,740	Conceded amnesty to all the civil and military personnel implicated in the revolts on the territories of Acre and Mato Grosso.

January 13, 1916	Decree no. 3,102	Conceded amnesty to all civilians and military personnel who were directly or indirectly involved in the revolutionary movements in the state of Ceará.
September 27, 1916	Decree no. 3,163	Conceded amnesty to all those involved in political or connected acts related to the matter of presidential succession that occurred in the state of Espírito Santo.
October 30, 1916	Decree no. 3,178	Extinguished all remaining restrictions placed on the amnesties of 1895 and 1898.
<b>VARGAS ERA AND ELECTORAL DEMOCRACY (1930–1964)</b>		
November 8, 1930	Decree no. 19,395	Conceded amnesty to all civilians and military personnel involved in the revolutionary movements of the country.
July 24, 1931	Decree no. 20,249	Conceded amnesty to all civilians and military personnel implicated in seditious movements that occurred in the capital of São Paulo on April 28, 1931.
July 30, 1931	Decree no. 20,265	Conceded amnesty to all civilian and military personnel implicated in seditious movements that occurred in the capital of Pernambuco on May 20, 1931.
October 23, 1931	Decree no. 20,558	Conceded amnesty to those responsible for electoral crimes committed up to October 24, 1930, as well as to civil and military personnel implicated in seditious activity in the country up to the same date.
May 28, 1934	Decree no. 24,297	Conceded amnesty to participants in the revolutionary movements of 1932.
July 16, 1934	Article 19, Transitional Provisions of the 1934 constitution	Conceded a “broad” amnesty to all who had committed political crimes before July 16, 1934.
April 18, 1945	Decree-law no. 7,474	Conceded amnesty to all who had committed political crimes from July 16, 1934 to the publication of the decree.
July 23, 1945	Decree-law no. 7,769	Conceded amnesty to military personnel who had been part of the Brazilian Expeditionary Force and had or were facing charges.
August 28, 1945	Decree-law no. 7,906	Extend the same amnesty granted under Decree-law no. 7,769 to personnel in the air force and navy.
September 10, 1945	Decree-law no. 7,943	Conceded amnesty to those accused of crimes of injury to public power and to those responsible for crimes related to political demonstrations.
March 11, 1946	Decree-law no. 9,050	Considered amnestied two generals who were administratively retired in 1930 and 1931.
September 18, 1946	Article 28, Constitutional Transitional Provisions Act (ADCT) of the 1946 constitution	Conceded amnesty to all citizens considered unsubmitive or deserters until September 18, 1946 as well as to laborers who suffered disciplinary actions as a result of strikes or labor disputes.
May 31, 1949	Law no. 721	Extended the benefits of Decree-law no. 9,050 to various other officers.

February 9, 1951	Law no. 1,346	Considered amnesty those who committed infractions against recently revoked electoral laws.
July 13, 1951	Decree-legislation no. 18	Conceded amnesty to those charged or tried for crimes related to labor strikes.
December 3, 1951	Decree-legislation no. 63	Conceded amnesty to those responsible for the crime of injury to public power or the agents who hold it.
July 6, 1955	Decree-legislation no. 70	Conceded amnesty to the participants in the conflict that occurred in "Tribuna Popular."
April 19, 1956	Decree-legislation no. 16	Conceded amnesty to journalists condemned under Decree-law no. 431 of May 18, 1938.
May 23, 1956	Decree-legislation no. 22	Conceded broad and unrestrictive amnesty to all civilian and military personnel who directly or indirectly involved themselves in revolutionary movements that occurred in the country from November 10, 1955 until March 1, 1956.
June 20, 1956	Decree-legislation no. 27	Conceded amnesty to the workers of state or private companies that had been charged with crimes related to strikes or other disputes over rights regulated in social legislation.
April 30, 1959	Decree-legislation no. 2	Conceded amnesty to former port workers in Rio de Janeiro who had lost their positions for political reasons.
December 5, 1959	Decree-legislation no. 17	Conceded amnesty to those involved in upheaval in municipalities of Paraná.
July 20, 1961	Decree-legislation no. 7	Conceded amnesty to workers or personnel of state or private companies for reasons related to strikes.
December 15, 1961	Decree-legislation no. 18	Conceded amnesty to those who directly or indirectly were involved in political crimes from July 26, 1934 until promulgation of the Additional Act.
September 11, 1963	Decree-legislative no. 15	Conceded amnesty to journalists and others charged with crimes of the press.
<b>MILITARY DICTATORSHIP AND DEMOCRATIZATION (1964–2002)</b>		
September 12, 1969	Decree-law no. 864	Altered article of Decree-legislation no. 18 of December 15, 1961 specifying that the amnesty does not give the beneficiaries any rights related to return to service, retirement, or back wages.
August 28, 1979	Law no. 6,683	Conceded amnesty to all who committed political or connected crimes from September 2, 1961 until August 15, 1979.
November 27, 1985	Constitutional Amendment no. 26	Conceded amnesty to civil servants and military members punished under exceptional acts, to authors of political crimes or crimes connected to them, to representatives of student and labor organizations, and to those who lost their jobs for political reasons.
October 5, 1988	ADCT of the 1988 constitution	Conceded amnesty to those who, during the period from September 18, 1946 to the promulgation of the Constitution, were punished for reasons exclusively political.
March 4, 1993	Law no. 8,632	Conceded amnesty to union leaders and representatives punished for political reasons.

December 4, 1995	Law no. 9,140	The Law of the Disappeared, oriented to the principles of reconciliation and national pacification expressed in the amnesty in Law no. 6,683 of August 28, 1979.
May 31, 2001	Provisional Measure no. 2,151	Provided the mechanisms and procedures to regulate and administer the amnesty granted in Art. 8 of the ADCT.
November 13, 2002	Law no. 10,559	Formalized Provisional Measure 2,151, establishing the regime of the “politically amnestied,” including formal declaration as amnestied, and economic and other reparations.

Data for table, “A Century of Political Amnesties in Brazil,” was derived from the compilation by the Brazilian Chamber of Deputies, *Anistia: Legislação Brasileira, 1822-1979*, and Mezarobba, *Um acerto de contas com o future: a anistia e suas consequências*, 251-265. Some of the amnesty laws were followed by additional decrees regulating their application. Those decrees, while not cited in this table, are addressed in the relevant sections of the chapters that follow.

to refer to those owed and paid such repair for repression: *os anistiados*, meaning “the amnestied.”

This book is about the amnestied and these processes over more than a century in Brazil. It begins in the 1890s, in the earliest years of the republic, when Brazil was a new nation just emerging from colonial and then monarchical rule only to establish a military dictatorship and settle into a pattern of decidedly oligarchic rule. It then follows the role and impact of amnesty throughout and beyond the twentieth century, paying attention to when and why amnesty was linked to restitution. While not a continuous political process, debates about citizen rights transcended dramatic shifts throughout this history. Although admittedly the expectations about rights in the 1890s differed significantly from those in the 1980s, amnesty often factored into any equation of negotiation and settlement between opposition figures and the state. Over time, it evolved as a political convention that aimed variously to advance state legitimacy, secure civil peace, deliver justice, and otherwise guarantee citizenship rights.

Since the 1890s, at least forty amnesties have been granted for “political” crimes (see Table I.1).<sup>15</sup> A number of amnesties were granted for both regional and national revolts in the earliest years of the First Republic (1889–1930). The remedy, however, largely fell out of favor after being extended to Black sailors who had staged a mutiny in 1910. Amnesty returned to prominence as a political tool following a revolutionary movement that upset the oligarchy of the First Republic in 1930 and ushered in an era dominated by Getúlio Vargas. During the thirty-four years between the arrival of Vargas in power and the military coup of 1964, there were amnesties directed toward military personnel, civil servants, union representatives, and journalists, among others. During this same period, sectors of societies organized around and campaigned vig-



ously for amnesty, especially for one ultimately enacted in 1945. Similar activism led Brazil down a path that resulted in the 1979 amnesty law that signaled the military regime's willingness to again share power with civilians, including those among the opposition.

The beneficiaries of amnesty in Brazil from the 1890s to the present are a diverse group, including those who had been, or would be, presidents, senators, congressional representatives, high-ranking military officers, and esteemed intellectuals. They also include more common laborers, bureaucrats, enlisted military personnel, and students. Before being amnestied, many of those who would benefit from an amnesty decree had been—or had been seen as—revolutionaries or subversives. Some had devised, participated in, or were sympathetic to a range of activities, including armed revolt, against the government or against the military authority of their time. Others had been caught in a web of suspicion or a wave of repression. A number of *anistiados* had also been charged and convicted of political crimes in special courts or had suffered punitive measures by executive decrees. Others were subjected to torture and/or fled Brazil in either self-imposed or forced exile, where they waited out the regime they opposed. Those who had been military personnel or government employees were often purged, losing at once their livelihood and any social status or economic security that their positions had provided. The decreeing of amnesty, however, freed those held in prisons, allowed for the safe return of exiles, and provided a means for readmission of former bureaucratic and military personnel.

In the chapters that follow the focus is on the processes behind any subsequent repair for the actions taken against these people. A few of the individuals are historical figures known in Brazilian history, but most are not. They include military officers in the 1890s; Black sailors in 1910; average bureaucrats and mid-level military personnel in the 1930s and 1940s; and oil refinery workers, police agents, and political militants in the 1960s and 1970s. The prevailing absence of their stories in the historiography leaves a hole in our understanding of amnesty. This book brings them in and provides a view to the mechanisms of, and stakes in, political amnesty over time in Brazil.

The twentieth-century French philosopher Paul Ricoeur described amnesty as that which is supposed to “interrupt” political violence by “bring[ing] to conclusion serious political disorders affecting civil peace—civil wars, revolutionary periods, violent changes of political regimes.”<sup>16</sup> In the course of Brazilian history, grants of amnesty certainly did that. The state repeatedly, and perhaps habitually, managed the threat or consequences of upheaval, resistance, or rebellion via a well-timed

amnesty. The political end of amnesty was linked closely with state capacity, which mattered deeply in precarious and delicate moments in the consolidation or transfer of power. The discourse surrounding amnesty in these moments typically celebrated its capacity to bring about peace by quieting the spirit of rebellion. Often evoking a metaphor of family, the enactment of amnesties promised to reunite Brazil and Brazilians. In this way, amnesties tapped into a more foundational notion of Brazilian culture as one rooted in harmony.<sup>17</sup>

Indeed, the granting of amnesties seemed to mark a symbolic return from an aberrant state of discord. Far from preventing bloodshed, however, such acts of conciliation came into play alongside violent disputes. As such, grants of amnesties were part of the persistent and parallel impulses in Brazilian political life toward both authoritarianism and accommodation. In a paradox shaped by patterns of paternalism, successive regimes in Brazil quickly and harshly disciplined opposition, only later to make a gesture toward ameliorating the punishment.<sup>18</sup> Rather than resolution, the gestures of conciliation often masked and obfuscated conflict.<sup>19</sup> The political philosopher Michel Debrun explained that the puzzling paradox of political conciliation, which ostensibly was a “fair and cordial compromise” between equals in Brazil, actually functioned as a “strategy of cooptation” and a “mechanism of discipline.”<sup>20</sup> Viewed in this way, the various grants of amnesties drew from and deepened the broader conservative and long-standing political culture of conciliation in Brazil by neutralizing, averting, or co-opting challenges to authority.

Yet, as we will see, the institution of amnesty also served as a useful tool for those who ostensibly were, or would be, co-opted. Unlike a pardon or a commutation of sentence, amnesties had a certain leveling effect. An official pardon or sentence commutation, though alleviating criminal sanctions, did so through the reinforcement of a clear hierarchy: the benevolent ruler extending charity and mercy toward otherwise undeserving individuals. In contrast, amnesties were directed toward categories of crimes rather than toward specific individuals. Beyond alleviating punishment or the possibility of punishment, amnesties also removed the criminal characterization of designated acts or events. Derived from the Greek word *amnestia*, meaning forgetfulness (amnesia) or oblivion, amnesty was often described as the legal “forgetting” of an offense.<sup>21</sup> Beneficiaries made the case that any such forgetting required that the offense be treated as if it had never occurred. To do so implied a further obligation on the part of the state, namely, to address the consequences suffered by the amnestied individuals in relation to the forgotten offense. Over time, a consensus grew that anything short of recompense was an approximation rather than true amnesty.

Amnesty functioned, therefore, as both a singular event and a dynamic process. Although the enactment of amnesty laws in Brazil effectively resolved acute crises, they also created a forum of sorts through which further demands were made and additional negotiations took place. As a result, the status of being amnestied—with any corresponding rights or guarantees—was gained through a process that had scarcely begun with the decreeing of amnesty. The stakes involved in subsequent settlements ranged from the deeply moral to the everyday mundane, from issues of honor to those of memory, and from the granting of seniority to the concession of retirement pensions and reparations. For those who pursued it, the lived experience of amnesty unfolded largely away from public view in the months and years following the various decrees. These individuals most often considered amnesty as synonymous with restitution. That is, they described themselves as amnestied not at the moment of the decree but upon the approval of their return to their former posts or the bestowment of other compensatory concessions made possible by the decree. Such restitution stood as the material recognition of the rights-bearing status granted to them via the amnesty. More than other measures, therefore, amnesty not only “interrupted” violence but also served as the mechanism through which individual settlements were reached between a conciliatory state and its former enemies.<sup>22</sup>

This is why, perhaps, a companion term to *anistiado* emerged in Portuguese. The first president of the Amnesty Commission, José Alves Paulino, used the two terms together in the introduction to his compilation of the earliest plenary sessions held under his leadership. He referred to the “many, many politically persecuted people,” as he dedicated the work to both the *anistiados* and the *anistiandos*.<sup>23</sup> The use of the gerund, *anistiando*, succinctly categorized those who were not yet formally amnestied but, rather, in the process of seeking such status; that is, those who were *amnesty-ing*. Both the amnestied and the amnesty-ing bring to the fore the ways in which political and revolutionary threat was perceived, managed, and punished throughout Brazilian history. Their efforts to become recognized recipients of amnesty likewise give us a glimpse at the prevailing and at times conflicting ideas about justice, especially in the determinations made about the limits of tolerable consequences for forms of political opposition and revolt.

The book is organized chronologically in three parts that reflect larger political shifts in Brazilian history. The periods include the First Republic (1889–1930), the Vargas era and the years of electoral democracy (1930–1964), and finally the period of dictatorship and redemocratization (1964–2010). Each of the three parts is subdivided into chapters

that provide snapshots of the experience of amnesty for individuals in varying circumstances and at different moments. The narratives capture details of both the political repression inflicted and the subsequent path to some form of recompense. Taken together, the arguments in the chapters trace expectations over time regarding rights—including rights to recourse, opportunities, and exemptions—as well as notions about just restitution. Linked through the evolving institution of amnesty, the chapters show that access to the guarantees and the measurable results in individual lives were uneven and often surrounded by deep ambiguity.

The case studies trace the interpretations about the significance of amnesty over time in Brazil, but the book is not a history of the act or event of amnesty. Rather, it is a history of the amnestied and, more precisely, of the amnesty-ing. The dramatic moments of decreeing amnesty in Brazil were often noisy events that left behind front-page newspaper coverage, intense congressional debates, and voluminous other sources. Many of the individuals whose stories are told here, in contrast, have been protagonists of a quieter history. Their stories are found among the records of bureaucratic archives and disparate notations in newspapers, sometimes stretching over decades. Readers of these records, while perhaps establishing what happened to those who pursued amnesty, are less able, if not unable, to follow cases where efforts were abandoned or never made. Indeed, the collective application of amnesty paradoxically demanded individual efforts to legally secure its benefits, which resulted in uneven outcomes and necessitated some degree of resources and persistence on the part of the would-be amnestied person.

For those who pursued the guarantees of amnesty or challenged its limitations, the possibility for becoming amnestied was always subject to further review. Such review, in turn, often depended on new and evolving political situations. Similarly, the substance of what constituted amnesty also changed and evolved over time. In some moments and in some regards, amnesty meant the alleviation of punishment or signaled protection from the possibility of prosecution. At the same time, amnesty also represented various forms of restitution and reparations.<sup>24</sup> This book tells the history of these vagaries of amnesty. The cases that follow, not just from the more recent era but the earliest examples too, show lingering uncertainties as much as finality in seeking recompense through amnesty. Windows of opportunity for making successful claims opened, closed, and sometimes opened again over years following amnesty decrees. The historical problem of amnesty in Brazil lies precisely in this tension of amnesty as a settlement that is never quite settled.

When the woman posed her question at the 2003 meeting of Grupo Tortura Nunca Mais, the then newly created Amnesty Commission

promised to bring a certain closure to an otherwise still contested past. Conceived of as a final chapter of sorts, the individual reparation payments were designed to act as the last words in a new national narrative. That narrative of remorse and acknowledgment on the part of the state, while important to many who had been targets of repression, also served a larger political function. The work of the commission would stand as the fruit of democratic process and the mark of state legitimacy. Its work, in turn, resulted in the amassing of an ever-growing collection of documents and rulings, which are themselves now an archive that in some ways frames the past contained within as one that ended with amnesty. Paulo Abrão and Marcelo Torelly, respectively a former head of the Amnesty Commission and a key advisor on it, interpreted the resulting association of amnesty with reparations and memory as the linchpin for the larger transitional justice process in Brazil. That association, they argued, makes possible an eventual evolution of amnesty as the final and definitive word signaling in Brazilian society the twin aspirations of truth about and justice for past state atrocities.<sup>25</sup>

The commission, however, outlasted its political visionaries and became a political target. In 2019, under the administration of right-wing reactionary Jair Bolsonaro, the commission was removed from the Ministry of Justice and relegated to a new ministry assigned to matters of “women, family, and human rights.” In a sign that the past remained contested, new commissioners, unpersuaded by demands for forms of reckoning or transitional justice, announced that they would review prior rulings, possibly de-amnestying some former beneficiaries.<sup>26</sup>

A final assessment of amnesty in Brazil remains to be made. It is not, however, the simple sum of the deceptive and insidious politics of conciliation through which threats of and momentum for change in Brazil have long been muted. At the same time, neither is it a triumphal history that somehow culminates in a firm and final recognition of rights. What is sure is that amnesty marked and made both political and historical epochs. It also marked and made political and historical subjects who turned to amnesty both to express and to address issues involving rights. Those subjects are the protagonists of this book. Their histories, told in the chapters that follow, bring to the fore the deeper complexities at play in how, why, and to what extent amnesty served as a form of negotiation and settlement in Brazil. These histories show how the persistent idea of amnesty is one of conciliation, in which a contentious past is neatly placed in the past. Yet the details of the cases reveal that, far from creating closure, amnesty dragged on over time, reflecting ongoing and evolving debates about justice and just consequences.