

## How Do We Confront the Authoritarian Past? Public Policies of Memory in Brazil and the Different Perspectives on the Past<sup>1</sup>

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**Abstract:** *This study examines three contested perspectives on addressing Brazil's authoritarian past in the post-dictatorship era. These perspectives influenced the decision-making processes of political actors shaping public policies on memory and truth. Through oral interview analysis, diverse perceptions emerged in relation to confronting the dictatorship's legacy, leading to distinct political actions, considerations, and priorities in transitional justice measures. The concept of the "politics of silencing" describes the limitations faced in Brazil's reckoning with its authoritarian past during the re-democratization period. The study discusses the criteria for a public policy on memory, distinct from a broader policy of memory, and crucial for democratic state development. It highlights the discontinuation of memory policies following the National Truth Commission's final report in December 2014, coinciding with Brazil's political and economic crisis.*

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**Resumo:** Este estudo examina três perspectivas sobre como lidar com o passado autoritário do Brasil no período pós-ditadura. Essas perspectivas influenciaram os processos de tomada de decisão de indivíduos na formulação de políticas públicas de memória. Através da análise de entrevistas, diversas percepções surgiram em relação à forma de confrontar o legado da ditadura, resultando em ações políticas distintas, considerações e prioridades em medidas de justiça de transição. O conceito de "política de silenciamento" descreve as limitações enfrentadas no reconhecimento do passado autoritário do Brasil durante o período de redemocratização. O estudo discute os critérios para uma política pública de memória, distinta de uma política mais ampla sobre memória, fundamental para o desenvolvimento do estado democrático. Destaca-se a interrupção das políticas de memória após a divulgação do relatório final da Comissão Nacional da Verdade em 2014, coincidindo com a crise política e econômica que afetou o Brasil nos anos seguintes.

## Introduction

This study presents three perspectives on dealing with Brazil's authoritarian past,<sup>2</sup> each of which produced disputed narratives during the post-dictatorship era. These perspectives influenced the decision-making processes of political actors involved in

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<sup>2</sup> Officially, the Brazilian military dictatorship lasted 21 years, from 1964 to 1985. A new federal constitution was promulgated only in 1988.

designing public policies on memory and truth. Using inductive analysis through oral history interviews, I analyse various perceptions on how to deal with the dictatorial legacy. This implied how the politics of individuals and groups have been put into action, what points have been considered, and which measures of transitional justice were prioritized through the Brazilian process of 'settling accounts'. The concept of the "politics of silencing" is introduced to describe the limitations of Brazil's process of reckoning with its authoritarian past through re-democratization. The study also discusses the criteria that compose a public policy on memory, as well as the conceptual difference between the policy *of* memory and public policy *on* memory, and its importance for the development of a democratic state. Finally, the article highlights the interruption of memory policies and measures that took place soon after the release of the final report of the National Truth Commission (NTC) in December 2014, coinciding with the beginning of the political and economic crisis that has affected Brazil since then.

This article forms part of an extensive doctoral research project in which twenty-five oral history interviews, comprising approximately two thousand pages of transcripts, were analysed. The research yielded several conclusions, pointing to the significance of civil society sectors, particularly politically affected groups such as the families of dead and disappeared persons. Their participation was essential in driving

the advancement of memory policies in the country. Another significant conclusion pertains to the state and its representatives' adoption of an accommodation/negotiation logic, including those who entered politics through from political activism. The research also highlighted the multiplicity of roles played by political actors who moved between activism and participation in government institutions. Additionally, the research revealed the constant presence of actors from the dictatorial period in the democratic political scenario, defending their interests and influencing the decision-making process of public policymakers (Abreu Silva, 2021).

Thus, this article provides a synthesis of the central themes addressed in my doctoral thesis. Its primary objective is to explore three perspectives identified among the various political actors as they dealt with the legacies of the Brazil's authoritarian past: conservatives, affected people, and negotiators. Each perspective corresponds to the mnemonic communities (Brito, 2010) or groups that subjects identify with and use to guide their political actions, decision-making, and memory construction. Their political positions are related to the narratives they defend. Thus, actors mobilize certain memories to construct their own narratives and guidelines, as well as to legitimize their political and personal decisions. In a post-conflict political scenario, these different

perspectives collide and provoke friction between actors as they dispute spaces and seek predominance over one another.

### **Labours of Memory: Public Policies for the Past**

A 2010 survey conducted by Rodrigo Patto Sá Motta and Adriano Cerqueira across four Brazilian states (the Federal District, Minas Gerais, Pernambuco, Paraíba) revealed that only 10% to 20% of respondents could satisfactorily answer the question, “What happened in Brazilian politics in 1964?” with the remaining 60% having no memory or knowledge of the period between 1964 and 1984 (Motta 2017, 327–28). Similarly, a 2012 survey by the Institute for Applied Economic Research found that 42.9% of Brazilians had never heard of the Amnesty Law of 1979, while 31.9% had heard of it but did not know its purpose, and only 24.3% knew about its contents (D’Araújo, 2012a, p. 40). This data suggests the effects of the politics of silencing on Brazilian society and highlights the urgent need to address the traumatic memory of the dictatorial period. I define the “politics of silencing” as a deliberate strategy employed during the re-democratization period, by political actors to limit the disclosure of and access to memories of the Brazilian dictatorship. This strategy was characterized by efforts to control narratives surrounding the authoritarian past, often through the suppression of dissenting voices and the

promotion of forgetfulness as a means to achieve national reconciliation. Further debate around the politics of silencing will be integrated throughout the analysis.

Considering this scenario, it is now pertinent to discuss the components that define a public policy on memory. In 2019, the Inter-American Commission on Human Rights published Resolution No. 3/2019, which discusses the “Principles on Public Memory Policies in the Americas”. The document emphasizes that public policies on memory are a crucial part of the state's obligation to ensure truth, justice, reparation, and other measures to prevent the repetition of serious human rights violations. It stresses the need for full reparations and the right of victims and their family members to know the truth about the circumstances of such violations. The document further notes that member states of the Organization of American States (OAS) must have the means to guarantee the right to truth and prevent the recurrence of violations. In summary, the document defines a public policy on memory as follows:

Public policies on memory are understood as different interventions, based on documentary and testimonial evidence, and built with the participation of the victims and civil society, which are aimed at the recognition by the State of the facts and its responsibility for the serious human rights violations that occurred, the vindication and conservation of the memory and dignity of the victims, the dissemination and preservation of the historical memory and the promotion of a culture of

human rights and democracy oriented towards the non-repetition of the facts (CIDH and OAS, 2019, pp. 3–4).

Furthermore, the document distinguishes between memory initiatives, which could take on an educational, cultural, or other form, either state or non-state, oriented towards promoting the objectives of public policies on memory (CIDH and OAS, 2019, p. 4). Finally, it presents sixteen principles, categorized as general principles, memory initiatives, memory sites, and archives. Among the general principles, the first three are particularly noteworthy: Principle 1 emphasizes the state's obligation to ensure a “comprehensive approach to memory” that includes the search for truth, justice, and reparations; Principle 2 emphasizes the participation of victims in the process of developing and executing public policies on memory, and asserts that the state must ensure the involvement of victims at all stages and provide the means for them to do so. Finally, Principle 3 highlights the state's obligation to develop strategies for disseminating and sensitizing civil society, promoting its involvement in the creation of public policies on memory.

The term “Política Pública de la Memoria” is defined in the *Diccionario de la Memoria Colectiva* as a deliberate act by governments or political actors to create collective memory by preserving, transmitting, and enhancing the memory of specific significant

or important aspects of the past (Bauer, 2018, p. 528). It can be either temporary or permanent, and is part of the public agenda. Examples of such actions include the creation of archives, museums, and documentation centres, the reformulation of school curricula, and celebrations on symbolic dates. In a post-dictatorship context, public policies on memory aim to recognize the systematic existence of human rights violations by states. While these policies can manifest in diverse ways, their fundamental goal remains unchanged.

Memory policies are crucial in the context of re-democratization, as the state takes responsibility for crimes committed against opponents who exercised their rights of resistance. The state's efforts to remember and repair these violations aim to consolidate a narrative of non-repetition. However, developing public policies on memory requires the state to recognize the institutional silencing surrounding experiences of and about human rights violations (Camargo, 2017, p. 50). This recognition does not occur spontaneously during political transitions or the establishment of democratic regimes. Ricard Vinyes argues that the management of the memory of authoritarian pasts only arises in response to civilian demands — demands that vary depending on manifestations of fear, revenge, or the absence of institutional support. What is sought is not strictly truth



or justice, but rather an acknowledgment of political actions and their effects, such as providing a space for testimony. (Vinyes, 2016a, 12–13).

Hence, although it relates to the quality of democracy, memory management is not an inherent component of a democratic system. The ‘quality of democracy’ refers to the full functioning of the system of guarantees offered by the state to ensure citizens’ well-being and perception of living well. It is not directly related to a consolidated democracy, which instead refers to a democratic state that is insusceptible to institutional rupture, and can be consolidated without any guarantees to citizens. Those who call for ‘memory’ do so to live better, and if the state does not guarantee this right, the quality of democracy decreases (Vinyes, 2016a, p. 14). Therefore, it is necessary to formulate a public policy that encourages its exercise and ensures the participation of all stakeholders in the construction of public memory, i.e., in a publicly- constructed image of the past (idem).

Public policies on memory should prioritize the community that experienced the events being remembered, according to Denise Friedrich, as it is “the keeper of the memory that creates cultural identity” (Friedrich, 2013, p. 40). Working on memory through public policies can create a more inclusive and protective environment, Friedrich suggests. Roberta Baggio also emphasizes the importance of intergenerational

discussions about the right to memory. As new generations gain access to past events, they become more committed to fighting against the state's abuse of power and advocating for justice. Baggio notes that experiencing opportunities to access memory leads new generations to stand with those who resisted oppressive regimes and embrace the idea of otherness (Baggio, 2012, p. 113).

The memories accessible to future generations have transformative potential, and these memories can be given different meanings. For Baggio, the knowledge of past events that are freely accessible can become an “indispensable piece of empowerment in the transitional process” (Baggio, 2012, p. 112). Acting together to defend the ideals of justice can add strength to previous generations' claims for justice, and this can contribute to a democracy that includes both present and past generations. Public policies on memory ensure the right to memory and truth, and allow individuals to choose to live in a democracy that fulfils their demands.

### **The Remarkable Differences between Policies of Memory and Public Policies on Memory**

As noted in the previous section, a *public policy on memory* requires government entities to plan and deliver according to a specific purpose. In contrast, a *policy of memory*

would be an individual action without a specific goal. Viewed individually, various projects constitute policies on memory. However, when brought together as a coordinated practice or agenda, they form a public policy on memory. In the Brazilian context, for example, memory activities by different public administration actors, especially the SEDH, the Amnesty Commission, and the Ministry of Justice, can be identified as efforts to deal with aspects of the past and configure a public agenda, according to Bauer's definition of a public policy on memory. Individually, projects such as *Marcas da Memória*, *Caravanas da Anistia*, *Memórias Reveladas*, the publication of the book *Direito à Memória e Verdade* (Brasil, 2007), and *Clínicas do Testemunho* are policies and measures of memory, truth, and reparation.<sup>3</sup> However, when observed together, they constitute a public policy on memory carried out by the federal executive because of its systematic approach and its state-driven nature.

By the same logic, the creation of reparation commissions would not be considered part of a public policy on memory. On the contrary, the exclusively financial approach to reparations under which the commissions were constituted caused the subject's individualization, leading to the privatization of memory (Vinyes, 2016b), as intended by conservative actors. Moreover, the Law of the Dead and Disappeared (nº 9.140/95), which

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<sup>3</sup> Read (Gallo, Cavichioli, e Souza 2023) for more information on these policies of memory in Brazil, as well as an updated discussion on their developments and prospects for the present.

created Special Commission on Political Deaths and Disappearances (CEMDP), cannot be considered a public policy in itself. As Bauer argues, it is only a measure of reparation since it places the responsibility for investigating deaths and disappearances on the same family members who requested the reparation, not on the state itself. Bauer applies the idea of a “second amnesty” due to the fact that, despite acknowledging responsibility for the deaths and disappearances, the state did not devise mechanisms to investigate and punish perpetrators (Bauer, 2014, p. 163)

In this context, the primary function of a public policy on memory, by definition, is for the state to assume responsibility for the gross human rights violations that occurred during the dictatorship through its agents, and thus contribute to the construction of social and political cohesion through collective identities. However, Law n° 9,140, which focused mainly on the topic of reparations for crimes committed by the dictatorial state, did not adequately fulfil these objectives. This law recognized the dead and disappeared persons and marked the conduct of reparations in the following decades. Yet, it also directed and maintained the discussion mostly in the private sphere (Azevedo, 2018; Teles, 2010; Schmidt et al., 2009).

Social movements made up of the families of killed and disappeared persons have criticized Law 9.140/95. In 2009, the Commission of Families of the Political Dead and

Disappeared (CFMDP) prepared a report in which they exposed their main criticisms of the law (Schmidt et al., 2009). The report highlights that the law exempted the state from identifying and holding accountable the agents who committed crimes, did not make the state responsible for investigating the circumstances of deaths and disappearances, did not oblige the state to locate the bodies of disappeared persons or open the archives of agents of repression, and, initially, excluded Brazilians who died after 1979 or were assassinated in joint actions of the dictatorships in the Southern Cone.<sup>4</sup> Finally, the report criticizes the law for dealing with the issue of the dead and disappeared only as a "family matter" and not as a demand and a right of society in its entirety.

Other interpretations, however, suggest that there is a deliberate policy of forgetting, or "disengagement with justice," which is also a form of state-led public policy, according to Carla Luciana Silva (2015). Edson Teles argues that, despite representing advances in state recognition, both Law 9.140/95 and the Amnesty Commission Law (nº. 10.559/2002) are policies of memory and policies of silence, limited by the government's interests and with little participation of either the subjects of these rights or the social movements involved in demanding them (Teles, 2018). These interpretations share an understanding of the role of silence and forgetfulness in Brazil's

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<sup>4</sup> To learn more about Operation Condor, see Lessa and Balardini, 2024.

re-democratization, as well as a perception of the intentionality behind political actors in consolidating the politics of silencing.

In summary, a public policy on memory refers to a set of deliberate and coordinated actions by the state that are aimed at recognizing its responsibility for past human rights violations, vindicating the memory and dignity of the victims, disseminating and preserving historical memory, and promoting a culture of human rights and democracy to prevent the repetition of such violations. This type of policy is based on the principles outlined by the Inter-American Commission on Human Rights, which emphasize the state's obligation to ensure truth, justice, reparation, and non-repetition.

On the other hand, a policy of memory is a broader concept that can include any action, whether state-led or not, that deals with aspects of the past without necessarily having a specific public agenda or governmental objective. It can encompass individual or collective initiatives that aim to preserve, transmit, or enhance the memory of specific or significant aspects of the past, which may or may not already form part of an existing comprehensive state-led approach to addressing past abuses.

The following sections explore three key approaches to Brazil's authoritarian legacy: the conservative perspective, the perspective of affected individuals, and the

negotiators' perspective. The research shows how conservatives advocate for moving past the dictatorship's history through forgetting, promoting reconciliation by silencing dissent and focusing on consensus. In contrast, affected individuals and social movements demand truth, justice, and accountability, challenging the politics of silencing. Negotiators, typically within government institutions, work to advance memory and truth policies while balancing various interests and legal constraints. Each perspective plays a crucial role in shaping memory policies, reflecting ongoing tensions and debates surrounding Brazil's confrontation with its authoritarian past.

### **The conservative perspective**

The first perspective identified is that of conservatives. The conservatives, as the term indicates, seek to maintain the acquired *status quo* and, to that end, claim the need to 'turn the page' on past events. They argue that past events must be forgotten for society to achieve national reconciliation. To ensure forgetfulness, opposing voices must be muted, and different narratives must not be allowed to emerge. To accomplish this, they appeal to consensus and silencing. Exponents of the conservative perspective, including Nelson Jobim, Jarbas Passarinho, and Pery Bevilacqua. Despite their different

backgrounds and motivations, they all share a desire to ‘turn the page of history.’ This interpretation of the politics of memory was established during the dictatorship, particularly towards its end, as a means of establishing a hegemonic narrative over the dictatorship and retaining control over the political transition to democracy.

The 1979 Amnesty Law plays a prominent role in this context of erasing military and state violence against citizens. Conservatives frequently reference this law as a basis for their political stance. This is because its configuration favours the logic of forgetting as a means of achieving reconciliation, a narrative that was structured precisely through the debates surrounding the law’s construction. The idea of national reconciliation through forgetfulness was a narrative imposed (though not without dispute) by the ruling parliamentarians and the dictatorial regime itself. The instrumentalization of forgetfulness as a political weapon (da Silva 2007, p. 245) is evident in the message from General-President João Figueiredo when forwarding the amnesty bill to the National Congress, in which he refers to “events that must be buried in the name of Peace” (Congresso Nacional e Comissão Mista sobre Anistia, 1982, p. 22)

Edson Teles (2015) analyses the memory of Brazil’s consensus, which attempts to envision the crimes committed during the dictatorship as only the excesses of a minority group within the Armed Forces. Similarly, radical resistance movements and their



members are represented as an exception to those that sought to end the dictatorship. This narrative equates the forces of resistance to the forces of the state and minimizes the violations committed by military agents. This discourse locates society in a passive position during confrontations between ‘minorities’ who committed ‘excesses’. Dissonant narratives are silenced and only raised when convenient:

If the political transition in Brazil emerged from an agreement between various parties—such as the military, business leaders, landowners, and the new political parties—and these parties protect themselves by maintaining the achieved consensus, it implies that a consensual memory will likely present a limited view of the dictatorship's crimes and be favorable to the new civilian democratic government (Teles, 2015, p. 56).

That is, the memory of consensus appropriates points from both the military and the affected to legitimize a supposed middle ground, which immobilizes society and proves to be effective in institutional policy discourses. According to Teles, this approach presents a strong authoritarian element as it homogenizes memory and suppresses the support of dissent.

The 1979 Amnesty Law contributed to solidifying consensual memory as a preamble to national reconciliation. The law and its generalized interpretation formed a barrier to contain the social memory and history of the dictatorship (Gómez, 2018). It

reinforced and consolidated consensual memory by equating the crimes of the agents of repression and the members of the armed left. This equivalence was established during the negotiation of the law, which stipulated that both military personnel and left-wing militants would be granted amnesty for their offenses, thus allowing the return of exiled and banned citizens. This created a false equivalence of forces, preaching a discourse of 'turning of the page' of consensual memory. This solidified conciliatory interpretation of the past necessarily silenced dissonant memories. However, this also resulted in society not elaborating on the memory of the authoritarian past, perpetuating gaps in memory: "The greatest damage of consensus was silencing the divergent manners in which social subjectivities break with the rational model" (Teles, 2015, p. 53). Thus, to this day, torturers and other security agents responsible for human rights violations during the dictatorship have not faced trials in Brazil, unlike Argentina, which prosecuted the military junta in 1985 (Hau, 2018).

This perspective gained support in the early years of civilian governments due to concerns about an institutional rupture in the New Republic,<sup>5</sup> with conservatives arguing that leaving the past behind was the only way to ensure democratic stability. Jobim, in particular, has been involved in this narrative throughout his political career, from his

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<sup>5</sup> José Sarney administration (1985-1990); Fernando Collor administration (1990-1992); and Itamar Franco administration (1992-1995).

role as a congressman in the creation of the Chamber's external commission on political deaths and disappearances, through to the Ministry of Justice in the creation of Law no. 9.140/95, and entered the public dispute that took place with Paulo Vannuchi when the National Truth Commission was created, while he was still Minister of Defence.<sup>6</sup> By occupying this perspective, Jobim has become an important intermediary between the government and the Armed Forces.

### **The perspective of the affected people**

In direct contrast to the conservative perspective is that of the affected individuals. However, before defining this perspective, it is necessary to briefly clarify what is meant by 'affected' and why this term is used instead of 'victims'. Choosing not to refer to these individuals as victims takes into account the scope of those affected, their societal recognition, and their active role in making demands of the state. First, the term 'affected people' recognizes that repression affected not only those who were politically

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<sup>6</sup> As a congressman, Jobim convinced Nilmário Miranda to establish a joint commission in the Chamber of Deputies rather than a parliamentary commission of inquiry (CPI) to investigate political deaths and disappearances. Later, as Minister of Justice during the drafting of the Law on the Dead and Disappeared (No. 9,140), Jobim relied on General Tamoio Pereira das Neves, his advisor on military affairs, to refine the "technical aspects" of the law. In a dispute with Paulo Vannuchi, Jobim opposed granting the National Truth Commission investigative and prosecutorial powers (Abreu Silva, 2021).

persecuted, but also their entire circles of coexistence. For instance, the parents of a student who was arrested and tortured were also affected by the state's violence, even if they did not participate directly in the resistance. Therefore, it is crucial to broaden the understanding of those who were affected by the construction of public policies on memory, truth, and, above all, reparation.

The second aspect refers to how the state's actions during the dictatorship affected society beyond the repression of leftist activists. Authoritarianism was also present in other policies, such as education and economics, leading to the repression of social minorities, limitations or absence of civil, social, and political rights, and corruption. Society as a whole may not recognize how it was affected by these policies and how they continue to have an impact on daily life. This is due to the silencing of this memory, which has resulted in apathy towards those who confront the past and struggle for truth, memory, and justice, such as former political prisoners and relatives of the dead and disappeared. Finally, the third aspect relates to the word 'victim,' which some activists argue carries a passive and fragile connotation. Instead, the term 'affected' is used to highlight the non-passivity of individuals, and also includes those who continued to resist and work for change in the aftermath of the regime.

Ricard Vinyes formulated the concept of the “subject-as-victim” (Vinyes, 2016b, p. 120), in which the state categorizes politically affected individuals as victims, and focuses on their individual suffering, thereby distancing society from their experiences. This approach deliberately ignores and limits the definition of those responsible for the violations. By establishing this victim category, the state avoids investigating its past and focuses solely on compensating the victims, further dividing society. The state standardizes individual experiences, assuming that all struggles were the same and driven by the same motivation, limiting its understanding of the diverse experiences of those affected. Vinyes comments:

Rather than a person (a biography, a story, a project), the subject-as-victim is a meeting place with which the state generates the space of moral consensus necessary for the imposed suffering; in this way and by this path, the subject-as-victim becomes a moral and legal institution that acts as a national totem. A space that brings everyone together, basing itself on the principle that all the victims, dead or tortured, are the same (Vinyes, 2016b, p. 120).

Finally, it is worth noting that the historic report of Project Brazil: Never Again, conducted by Dom Evaristo Arns and Reverend Jaime Wright, and initiated by the Archdiocese of São Paulo and the World Council of Churches<sup>7</sup>, refers to those who

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<sup>7</sup> To learn more about *Project Brazil: Never Again*, see Bauer, 2008.

suffered repression as people affected (*atingidos*)<sup>8</sup>, including individuals who were not only denounced in military police inquiries but also those who were indicted but did not reach the courts (Arquidiocese de São Paulo, 1985, p. 85).

After making this distinction, the next point focuses on the perspective of the affected people. This perspective includes social movements advocating for memory, truth, and justice, and takes a critical approach towards dealing with the inheritances of authoritarianism. They mobilize memories of resistance to the dictatorship and demand accountability from public agents for the human rights violations that took place, including the clarification of circumstances surrounding disappearances. This perspective represents the 'memory of the defeated,' which remains traumatized and seeks justice. Actors from this perspective are intransigent in their requests, exerting intense pressure on the state. However, this posture also leads to a generalized feeling of distrust towards government actors who seek to advance their agenda in the public sphere.

Since the start of re-democratization, social movements seeking memory, truth, and justice, such as the Torture Never Again Groups (GTNM) and the Commission of

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<sup>8</sup> The report/book does not refrain from using the term "victim"; however, it employs the term "affected" to broaden the concept of those impacted. Thus, it does not limit "victim" to individuals who directly suffered from repression but instead expands the "nature of the affected" to include leftist organizations, social sectors, and activities.

Families of the Political Dead and Disappeared (CFMDP), have evaluated the state more rigorously and with greater distrust. This has been highlighted by Edson Teles, a university professor and CFMDP activist. He argues that memory work during the post-dictatorship democracy involved three key figures: the perpetrator, represented by the military; the victim; and the specialist, responsible for implementing policies such as transitional justice. In this context, Teles proposes the theory of the two demons, through which national problems became individual issues. As a result, the labour of memory (Jelin 2002) within society as a whole has become suppressed.

Heloisa Greco acknowledges the importance of certain initiatives by the federal executive office, such as the Memórias Reveladas project<sup>9</sup>, but criticizes their inefficiency, arguing that they only serve as cover-ups. She cites the concept of “defective normalization,” as defined by Irene Cardoso (1990), to explain that the Brazilian state’s interest is to conceal its inaction with superficial projects that do not address the root of the problem. Greco argues that this is part of a systematic attempt to create forgetfulness and amnesty, stating that “Deep down, what we are seeing [...] is the systematic

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<sup>9</sup> The *Centro de Referência das Lutas Políticas no Brasil (1964-1985) – Memórias Reveladas* was established in 2009 through an initiative of the federal government and is affiliated with the National Archives of Brazil. The center consolidates documents from public agencies of the military dictatorship period, including the General Commission of Investigations (CGI), the Department of Political and Social Order (DOPS), and the National Intelligence Service (SNI). The collection has been digitized and is available at: <http://pesquisa.memoriasreveladas.gov.br/> [Accessed: September 5, 2024].

fabrication of forgetfulness. This amnesia amnesty that they are trying to implement” (Greco, 2011, p. 28).

Heloisa Greco’s testimony reveals her criticism of the government’s centralized policies of memory and truth that lack articulation with civil society movements. She cites the construction of the Amnesty Memorial in Belo Horizonte as an example, with which only a few former political prisoners were involved, some already working for the federal government and others that she calls ‘sellouts’, while social movements were excluded from the discussion. While Greco recognizes that some degree of institutionalization is needed for state policy, she protests the vertical manner in which it is imposed. She argues that the established dynamics only allow space for publicly recognized individuals, thereby excluding movements in a broader sense: “the movements are excluded from this process” in a radical way (Greco, 2011, p. 28). Given Greco’s statement took place while the Amnesty Commission and the Secretariat of Human Rights (SEDH) were actively creating policies and measures related to memory, and just before the Truth Commission was established, her criticism may have appeared a radical departure from the norm. However, the historian and human rights activist was highly critical of the Workers’ Party (Partido dos Trabalhadores, PT) governments, believing that their policies were continuing the state’s policy of forgetting.



Numerous individuals represent this perspective, including both activists and academics like Cecília Coimbra, Heloísa Greco, and Edson Teles. Family members of the dead and disappeared persons also hold this perspective, including the younger generations represented by their children and grandchildren, who have actively joined their cause. The interviews revealed that these actors assume multiple roles and exhibit varying levels of prominence throughout their experiences. They may be part-time academics or work within institutional bureaucracies, but they always maintain an activist stance. Gilney Viana is an example of someone who occupies multiple roles in the public sphere, while also being an activist. He served as a federal deputy and played a significant role in the creation of the Law on Political Deaths and Disappearances (no. 9.140/95). Additionally, he created an office to help family members gather the necessary documents for the Special Commission on Political Deaths and Disappearances (CEMDP). Viana also encouraged civil society organizations to form committees to pressure the establishment of the NTC, which initiated the “commissionism” movement (Hollandia and Israel, 2019). All of this was carried out while he held a position in the federal executive.

## The perspective of the negotiators

The multiplicity of activities carried out by those involved in the demands for memory, truth, and justice is noteworthy. Different perspectives, such as that of the activists and academics, often overlap, as seen in the case of Gilney Viana. The negotiators, representing a third perspective, also include individuals who occupy positions within the state bureaucracy while advancing agendas related to transitional justice. This perspective reflects the accommodation strategy identified by Motta (2018) in analysing Brazilian political culture, whereby actors are willing to negotiate in order to compete with other political forces. Through this approach, political actors have pursued alternative transitional justice measures and policies while holding key positions in public administration. They came up against the limits imposed by the Amnesty Law, the veto power of the military<sup>10</sup>, and the resistance of conservatives. The representatives of this perspective have largely formed part of the Workers' Party administrations (2003-2016), a party that used the accommodation/conciliation strategy after years of trying to win the election via frontal combat. According to Motta, the party recognized “the limited

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<sup>10</sup> According to Maria Celina D'Araujo (2012b), the military's veto power is ensured by the extensive autonomy of the armed forces maintained after the dictatorship, a society with low levels of respect for human rights, and the lack of government interest in issues related to the military.

willingness of the majority to support radical solutions and also the potential to use personalism in favour of the leftist project” (Motta, 2016, p. 23). The author further argues that this form of accommodation has historically served to prevent major social ruptures while also enabling gradual change; it is precisely at this juncture that the advancement of memory policies and measures during the party's time in government fits.

The interviews revealed that the negotiators operated with an understanding of the ‘possible’ while pushing the boundaries of amnesty. Each time these boundaries were tested, conservatives (along with the military) would react. This dynamic played out publicly between Nelson Jobim and Paulo Vannuchi, who represented the third perspective, during the development of the third National Human Rights Program.<sup>11</sup> This program centred around the theme of the “right to memory and truth” and included a proposal to establish the NTC. However, the negotiators’ efforts cannot be characterized as a “politics of the possible,” as Edson Teles suggests (Teles, 2018, p. 49). They were not

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<sup>11</sup> In December 2009, the publication of the Third National Human Rights Program (PNDH-3), proposing the creation of the National Truth Commission (CNV), led to a conflict between the government and the military. This dispute, which included threats of resignation from military commanders, was seen as a form of political blackmail (Schneider 2011) and represented a military veto power (Torelly 2018). In response, the federal government issued a new decree in May 2010 reaffirming controversial aspects of the PNDH-3. Tensions flared again in November 2011 when the CNV was established and in February 2012 due to statements by ministers supporting a review of the Amnesty Law. The Military Club criticized President Dilma Rousseff for not addressing these statements, leading to further conflict. Although the CNV was created, it lacked judicial powers and could not enforce compliance, which D’Araújo (2012b) views as a military victory. Conversely, Marcelo Torelly (2018, 9) argues that the CNV challenged the military’s veto power by operating independently of the Executive Branch and excluding military representatives, marking a significant shift from controlled transition traditions.

constrained by concerns for either political rupture or national reconciliation. Instead, the term 'possible' refers to alternative ways of advancing transitional justice measures in spite of institutional resistance. Vannuchi's interviews (2019; 2015) demonstrate his negotiation strategies, which aimed to overcome legal barriers and decision-making processes that posed obstacles to the formulation and implementation of memory and truth policies.

The third perspective also includes Paulo Abrão, former president of the Amnesty Commission, and Paulo Sérgio Pinheiro, former human rights secretary and NTC commissioner, among others. These negotiators share a moderate and articulate approach, possess theoretical knowledge of transitional justice mechanisms, such as truth commissions, and have produced extensive academic work on these topics. Since 2007, when Abrão joined the Amnesty Commission, the commission has promoted transitional justice discourse throughout the federal executive branch and has diversified its advisor profile by including law professors, researchers, psychologists, and public defenders (Rosa, 2019, p. 55). However, given the history of silencing experienced by affected individuals during the early stages of re-democratization, some have viewed the negotiators' work with suspicion because they represent the state.

In terms of engagement with social movements and efforts to legitimize the agencies responsible for transitional justice measures—such as SEDH, the Amnesty Commission, and CEMDP—Brazil’s public memory policies entered a period of transformation, resulting in an anamnestic phase (Gómez, 2018). Between 2007 and 2014, these public actors, who were more open to negotiating with other political entities, promoted unprecedented advances in memory and truth policies and measures. While they were not the sole contributors—since the affected individuals continued to exert intense pressure to have their demands met—it was through the negotiators, during an opportune moment, that these policies were formulated and implemented. Despite the deliberate silencing imposed by the state, these actions were crucial to the development of Brazil’s process of reckoning.

Despite resorting to negotiation and accommodation strategies, it is important to note that the negotiators’ perspective is not aligned with the memory of consensus. They do not necessarily seek to minimize the resistance of activists during the dictatorship, nor do they view repression as an act committed by a handful of rogue public agents. Rather, they strive to overcome conservative forces on the political scene, many of whom are heirs of the dictatorship, by occupying key positions in the administration and pursuing administrative, legal, and political alternatives. They attempt to distance themselves from

a supposed revanchist image, arguing that a reckoning is necessary not as a vindictive appeal but as a natural conduct of a democratic state. However, this approach has proven to be a double-edged sword: while it facilitated the development of new measures and policies of memory and truth, met the demands of certain affected individuals, and promoted a memory effort previously unseen, it also failed to advance demands for justice by profoundly rejecting and avoid being accused of the 'revanchism'. To some extent, they unintentionally collaborated with the politics of silencing.

The 'politics of silencing' refers to the deliberate limitation of the disclosure of and access to memories of the Brazilian dictatorship, specifically during its period of re-democratization. Despite the state's move to favour memory policies and measures between 2007 and 2014, these remained restricted to directly affected groups such as family members of the dead and disappeared, former political prisoners, and human rights defence movements, who were considered distinct from wider society. The term 'silencing' is used because it is a deliberate act of the state to allow dissenting voices to echo in a controlled manner. Thus, the 'memory of the defeated' remains active but circumscribed, to spaces where it cannot have a significant effect or aggregate society entirely. Discrete advances are permitted depending on the volume of pressure exerted by directly interested groups, as well as the political conditions of the country at the time.

The limitation of public policies on memory, truth, and justice in Brazil is consequently considered a ‘politics of silencing,’ in which political actors work intentionally to prevent the further advancement of the subject in the public sphere.<sup>12</sup>

Despite these unintended consequences, the negotiators’ strategy was not in vain; rather, it was a necessary step in the process of reckoning. Thanks to the constant mobilization of affected people, especially the relatives of dead and disappeared persons, the negotiators were able to push for and implement a public memory policy that that brought together the memory efforts of various groups. This policy confronted the politics of silencing prevalent during that period and, ultimately, led to the anamnestic phase.

### **The Return of the Conservatives’ Perspective**

The anamnestic phase was a significant moment for memory and truth struggles in Brazil. However, its progress was abruptly halted in 2014, at the start of a political and economic crisis. The change in the government’s approach can be observed in the

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<sup>12</sup> See (Wasserman 2016) to learn more about the return of the subject of authoritarian legacies to the public scene in Latin American countries in the 21st century and the responsibility of historians in reverting the ‘tricks’ of memory.

presentation of the National Truth Commission's (NTC) final report in 2014, which took place behind closed doors. This contrasts with the opening ceremony of the Commission's work in 2012, which was attended by the four former presidents from the period of re-democratization. In this political landscape, the representatives of the negotiating perspective lost ground due to the crisis and subsequent reorganization of power, giving way to the conservative perspective that reclaimed its dominance under the guise of moderation.

In 2015 and 2016, discussions regarding the memory of the dictatorship and its authoritarian legacy were interrupted when an impeachment process was initiated against President Dilma Rousseff. Only three days after her replacement, Vice President Michel Temer's administration was established, Alexandre de Moraes, the new Minister of Justice, replaced 19 out of 25 members of the Amnesty Commission and dismissed the remaining 6, the first time a government intervened in the institution's composition. Paulo Abrão, president of the Commission, took over as Executive Secretary of the Inter-American Commission on Human Rights and thus resigned from his position. The new designations were harshly criticized by sectors linked to human rights defence, particularly due to the appointments of Manoel Gonçalves Ferreira Filho, an Emeritus Professor of Constitutional Law at the University of São Paulo (USP) who defended the



argument that the military government was an ‘authoritarian democracy,’ not a dictatorship; Paulo Lopo Saraiva, a former sergeant and Professor of Constitutional Law at the Federal University of Rio Grande do Norte (UFRN) who was described as a “right-wing force” by a university truth commission report (Universidade Federal do Rio Grande do Norte, 2015); and Alberto Goldman, a former governor of São Paulo for the PSDB, who opposed economic compensation for political amnesty recipients (Carta Capital, 2017).

In December 2017, the Federal Prosecutor's Office for the Rights of the Citizen requested explanations from the Ministry of Justice and Public Security regarding possible external interference with the Amnesty Commission (Faermann 2017). Amnesty applicants reported that, despite the Council's favourable decision, their requests were denied by the Minister of Justice. Furthermore, in 2017, the number of sessions held and cases judged were reduced, and projects such as the Clínicas do Testemunho and Caravanas da Anistia were interrupted. The following year, the Commission's advisors decided to end the apologies to political amnesty receivers initiated during Paulo Abrão's administration (Éboli, 2018). While this procedure mainly a symbolic act of moral reparation, its exclusion demonstrates the impact of the conservative perspective that has guided Brazil's process of reckoning.

The conservative approach to the authoritarian legacy has led to a denial and revisionist discourse. This discourse is supported by the impunity generated by the Amnesty Law, as well as the lack of repentance, remorse, or guilt on behalf of those responsible for the dictatorship and their supporters. According to Mateus Pereira (2015), the military's narrative sustains itself with autonomy in the absence of punishment, allowing its practices and discourses to be conserved and expanded and allowing this "community" to grow and justify itself without acknowledging its errors: "instead of remorse or guilt, we witness the fostering of hatred and resentment" (Pereira, 2015, p. 884). The Amnesty Law is a crucial factor for the predominance of the conservative perspective, as it has allowed its actors to remain politically strong and influential. They hold political influence to shape the dynamics of power regarding the treatment of the authoritarian past. The law, created in 1979, remains the main factor limiting the Brazilian process of reckoning, favouring the politics of silencing.

### **Final considerations**

It is important to recognize the significant role that the concepts of politics of memory, public policies of memory, and politics of silencing have played in this analysis.

These frameworks have provided a valuable perspective for exploring the different approaches to confronting the authoritarian past, including both grassroots initiatives by civil society and strategic negotiations within government institutions. By integrating these categories into the research, I have been able to trace the evolution of memory policies in Brazil, assess the impact of various political perspectives on the development of these policies, and critically evaluate the effectiveness of state actions in promoting a culture of truth, justice, reparation, and non-repetition. Using these categories has enriched my findings by providing a structured approach to understanding the complex nature of memory work within the framework of transitional justice.

In this study, I have presented a thorough examination of the complex and contested landscape of political perspectives on Brazil's handling of its authoritarian legacy following the military dictatorship. Through my analysis, I identified and scrutinise the drivers, actions and political implications of the three main perspectives—conservatives, affected individuals, and negotiators—, each of which promotes and employs distinct strategies to addressing the past. Conservatives advocate for silence and reconciliation through forgetting, while affected individuals demand truth, justice, and accountability. At the crossroads, negotiators work within political and legal constraints to advance transitional justice measures.

My findings have demonstrated that the politics of memory in Brazil, particularly in the formulation and implementation of public policies, have been significantly influenced by these competing perspectives. My critical analysis of the ‘politics of silencing’ depicts the range of ways in which Brazil's ability to fully confront its past during the re-democratization period has been limited. While notable advances in memory and truth policies have been realised through the negotiator perspective, particularly during the Workers’ Party administrations (2003-2015), these efforts have been constrained and have not fundamentally challenged the conservative forces favouring impunity and the suppression of dissent.

On the Brazilian political scene, negotiators have played a crucial role in developing a strategic approach to advancing transitional justice mechanisms within existing legal and political frameworks, and this deserves recognition. While mobilization by affected people is essential to pressuring the state on issues related to memory, truth, and justice, it was only through the negotiators’ articulation strategy that significant progress was made. This strategy subverts the traditional political culture of accommodation that has historically characterized the Brazilian political elite, allowing affected individuals to engage more directly with negotiators who occupy key positions

in public administration. As a result, social agendas have been taken forward and previously unheard political actors were given a voice.

In late 2014, the anamnestic phase came to an abrupt end as a political crisis removed the Workers' Party from office, leaving Vice President Michel Temer in charge. Policies on memory and truth began to be dismantled; the Amnesty Commission was emptied, its objectives modified, and its projects interrupted. The Commission then became a vector of a counter-narrative strategy of exalting the authoritarian period, and erasing memory and truth policies (Cateb et al., 2020). This erasure is related to the emergence of a fourth perspective - that of the inciters - who explicitly and nostalgically defend the dictatorship, with strong support for the Armed Forces. Their narrative, built by the military, characterizes the coup of 1964 as a revolution to contain or prevent communism, and those affected as terrorists, regardless of their role in or relationship to resistance movements. Since 2015, this perspective has found an audience on social media among anti-Workers' Party groups, especially through the inflammatory discourse of Congressman Jair Bolsonaro, who was elected President of Brazil in 2018. In 2024, marking the 60th anniversary of the 1964 coup, the federal government—led by the Workers' Party—canceled the official commemoration events planned by the Ministry of Human Rights and other public agencies (Brant and Zanini, 2024). This decision followed

President Luís Inácio Lula da Silva's directive not to "dwell on the consequences of the coup," as he considered it "part of the past" (Machado, 2024).

In the context of weakening the memory and truth agenda at the federal institutional level, consensual memory has been replaced by the memory of the military, leading to an increase in disputes around the subject. Events have shown that, in order to prevent the strengthening of authoritarian discourses haunting the present, Brazil needs to work towards confronting on the traumatic memories and authoritarian legacies of the past, which were cemented during the re-democratization. The Bolsonaro government (2019-2022) deliberately and explicitly denied the memory of those politically affected through its inciting rhetoric, which included the exaltation of the military dictatorship, explicit threats to opponents, disdain for intellectuals and universities, and the discrediting of traditional media.<sup>13</sup> This far-right discourse is a global phenomenon with implications far beyond the construction of public policies of memory.

Under Bolsonaro's administration, the suppression of alternative memories and experiences of the dictatorship was markedly intensified, with the risk of complete erasure due to the efforts of reactionary factions at the time. In this context, the persistence of the military's narrative in Brazil is further fueled by the incendiary rhetoric of the far

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<sup>13</sup> See (Bauer 2024) to learn more about Jair Bolsonaro's historical denialism regarding the Brazilian 1964 civil-military dictatorship, as reflected in his speeches and political trajectory.

right. As a result, I have directed my current research towards elucidating how the military's narrative of the dictatorship was constructed and consolidated, and how it is subsequently mobilized by these groups. Ultimately, this subject necessitates ongoing engagement with the nation's traumatic memory to prevent the entrenchment of authoritarian discourses and to promote a culture of human rights and democracy in Brazil.

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