



Ann M. Schneider. *Amnesty in Brazil: Recompense after Repression, 1895-2010.* Pitt Latin American Series. Pittsburgh: University of Pittsburgh Press, 2021. 304 pp. \$55.00, cloth, ISBN 978-0-8229-4693-9.

Reviewed by Debbie Sharnak (Rowan University)

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Commissioned by Casey M. Lurtz (Johns Hopkins University)

As the field of transitional justice grew in prominence throughout the 1990s and early 2000s, the issue of amnesty for human rights violations was hotly contested by academics, human rights practitioners, domestic and international courts, members of military and security services, and victims. These groups and individuals debated whether amnesty—for crimes of state repression, mass atrocity, or even apartheid states—could be used as a tool to further the goals of reconciliation and peace, or whether it was fundamentally a mechanism for impunity.[1] At times, debates seemed to center on whether it was necessary to pursue peace *or* justice, or whether peace *and* justice were inextricably intertwined.

Brazil was one of many cases referenced in these debates. After experiencing one of the longer military dictatorships of the Southern Cone in the Cold War (1964-85), part of its transitional process included a 1979 amnesty law allowing exiled activists to return to Brazil, providing mechanisms for possible restitution, while also granting impunity for security forces who committed many of the more egregious human rights violations. Yet, far from a static law, amnesty has been argued over, amended, and reinterpreted by the inter-American system for human rights, the

Brazilian Supreme Court, grassroots activists, subsequent presidents, and scholars alike.[2]

In *Amnesty in Brazil: Recompense after Repression, 1895-2010*, historian Ann M. Schneider enters this debate by offering a much-needed historical perspective. Rather than start her examination in 1979, she places the origins of Brazil's political tradition of amnesty to the early years of the First Brazilian Republic—founded in 1889—and traces how Brazilians used amnesty as a form of negotiation between opposition figures and the state throughout the “long” twentieth century. Indeed, Schneider examines how political amnesty evolved over this period to advance diverse projects, such as seeking state legitimacy, securing civil peace, delivering justice, and guaranteeing broader citizenship rights. In the book, Schneider examines fifty-two different political amnesties, illuminating how the sheer number and scope of amnesties in Brazil have meant that they have always been about more than zero-sum debates about reconciliation or impunity. They have engaged critical debates, ranging from restitution and the ability to clear one's name to the uneven access to rights by different groups of citizens across economic, political, and racial lines.

Schneider's careful and detailed research of emblematic case studies in each period she discusses offers an important contribution to studying amnesty in national contexts. Instead of just looking at the debates or congressional action that led to issuing an amnesty, she traces how amnesty was experienced and what happened to the very actors that pursued the benefits that were in theory bestowed by these laws. Schneider's work uses an impressive array of governmental, bureaucratic, and foundation archives, newspapers, and writings by some of the key actors involved in promulgating or pursuing amnesty. Additionally, some of her primary sources are works of fiction through which she demonstrates how society grappled with political upheaval and amnesty alike. Ultimately, with an impressive source base, the book offers a view of the limits of amnesty and the ways that its objectives often go unfulfilled.

Spanning over one hundred years of Brazilian history, the book is organized into three chronological parts. The first looks at two examples during the contentious early years of Brazilian statehood (1890s-1910). One case addresses elite officers who rebelled against the authoritarian rule of Floriano Peixoto in 1892, and the other examines a 1910 revolt by Black sailors in the navy who commandeered two warships to protest the pervasive use of whipping as a form of punishment. The amnesties issued in both situations demonstrate the way actors vigorously contested what amnesty entailed, whether it would hold when challenged, and what guarantees citizens could argue for in the new republic. Importantly, these chapters establish an early link between amnesty and restitution, which Schneider believes have become conflated in Brazilian political discourse. Yet Schneider also demonstrates that these amnesties were enacted differently for elite officers versus Black sailors, the latter for whom ultimately the amnesty was not upheld with regard to "matters of basic dignity" for Black citizens (p. 25).

The second section of the book addresses the evolution of amnesties in 1930 and 1945 wherein amnesty became bureaucratized. These cases center on the era of Getúlio Vargas: the first addresses Vargas's use of amnesty in the early 1930s both for those who had helped bring him to power in November 1930 and for those who were perceived to have opposed him, and the second examines the amnesty of 1945 dealing with the period of his *Estado Novo* dictatorship (1937-45). Here, amnesty was increasingly used as a means to quell political discontent. Yet, in shifting the adjudication of amnesty from courts to commissions, Schneider illuminates how amnesty, especially after the 1945 decree, was part of a democratizing impulse that was interpreted and applied by committees, administrators, and judges. Schneider is adept at showing how, even as amnesty became a more bureaucratic process, it remained complex and even frail. In describing the intricate details of various cases, she demonstrates the pragmatic limits of the ideals of forgetting for national reconciliation and the complicated procedural dealings with individuals whose lives were marked and changed by political upheaval. Schneider argues that there was a fundamental unevenness of the restitution and reparation guarantees that were supposed to accompany the amnesty. Ultimately, despite the bureaucratized process, individual initiative mattered within the compartmentalized system where resources, perseverance, and political will had an impact on accessing the promises of amnesty.

The final section addresses Brazil's approach to amnesty regarding its Cold War dictatorship. The military government used amnesty as a key tool of its six-year political transition out of power that began in 1979. Its provisions for both victims and military personnel ultimately offered a path, however circuitous, to acknowledge the regime's victims but also entrenched impunity for the violations of human rights. The cases in this section spotlight petroleum workers at Petrobras who were fired after the 1964 coup, workers who lost

their job under the draconian Institutional Act-5 in 1968, as well as a woman named Victória Grabois, who had lived clandestinely during the dictatorship and whose family had been killed and disappeared in the early 1970s. In each, Schneider documents the details of the political and social decisions that led to the amnesties, the struggles of implementing various facets of restitution and compensation, and the effect that the regime and amnesty challenges had on people's lives. Schneider demonstrates how during this period amnesty became a paradoxical tool within broader transitional justice objectives, allowing some qualified access to reparations (victims' families received financial recompense in the 1990s), while at times helping delay truth-telling mechanisms (a National Truth Commission did not take place until the early 2010s) and allowing criminal accountability to remain elusive (the Truth Commission was purely investigative, with no prosecutorial purview).

Schneider seems to offer an implicit argument against putting too much stock in amnesty to achieve its political objectives. Throughout Brazilian history, its strongest proponents seem to believe amnesty could offer closure, the ability to forget past upheaval, and create societal peace. Yet, in case after case, Schneider demonstrates how politically fraught those promises and ideals are and how difficult it is to achieve some of amnesty's goals. This is especially true as those ambitions have expanded and been conflated with other mechanisms to address accountability, such as restitution and reparation.

Yet the book is not a condemnation of the practice. Rather, it is a careful reconstruction of the evolution and debates, meanings, and challenges in amnesty's application. Schneider reconstructs the longer history of amnesty as a political idea but also documents how it shifted, was constrained by political realities, and ultimately granted uneven access to its greatest promises.

Thoroughly researched and engaging, Schneider's book ultimately offers a granular account of the various challenges generation after generation have encountered in using amnesty as a political tool and the continuously shifting ground under which amnesty could be accessed. Yet at least one lingering question remains about the implications of Brazil's conflation of amnesty with other transitional justice mechanisms, such as reparations, memory, and restitution. These processes, while all political and contingent, are distinct mechanisms with experts and entire fields of study dedicated to their implementation. Indeed, as the field of transitional justice has expanded throughout the twenty-first century, amnesties are increasingly rejected by scholars and practitioners for offering immunity to perpetrators of egregious crimes. Accountability is also not entirely a domestic matter, as the inter-American system takes up more and more cases regarding the Brazilian dictatorship and universal jurisdiction principles are invoked to involve foreign courts in working around domestic amnesty laws. [3] How these developments in the field challenge the evolving Brazilian tradition of amnesty, especially the continued conflation of amnesty with these other accountability tools, is worth considering, especially in the current period of backlash against justice under the far-right presidency of Jair Bolsonaro.

The tensions between those in Brazil wanting to use the amnesty law to pursue other forms of justice and backlash against the international justice movement under Bolsonaro are demonstrative of the nonlinear pathways toward reckoning with difficult political periods. Considering Brazil's own recent tumultuous political history and upcoming presidential election in October 2022, these tensions are likely to continue to be an evolving part of Brazilian political tradition in the future as well.

Notes

[1]. Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (New York: Cambridge University Press, 2011); Roldán Jimeno and Owen Harrington Fernández, *Amnesties, Pardons and Transitional Justice: Spain's Pact of Forgetting* (New York: Routledge, 2017); Alex Boraine and Janet Levy, eds., *Dealing with the Past: Truth and Reconciliation in South Africa* (Capetown: IDASA, 1994); Diane Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Previous Regime," *Yale Law Review* 100 (1991): 2537-615; and Francesca Olsen and Tricia Olsen, eds., *Amnesty in the Age of Human Rights Accountability: Comparative and International Per-*

spective (New York: Cambridge University Press, 2012).

[2]. It should be noted that the Brazilian Supreme Court upheld the amnesty law, including in 2010. For more, see Nina Schneider, "Impunity in Post-authoritarian Brazil: The Supreme Court's Recent Verdict on the Amnesty Law," *European Review of Latin American and Caribbean Studies*, no. 90 (April 2011): 39-54.

[3]. For example, see Francesca Lessa, *The Condor Trials: Transnational Repression and Human Rights in South America* (New Haven, CT: Yale University Press, 2022).

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