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## Brazilian Truth Commissions as Experiments of Representation: Between Impartiality and Proximity

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# BRAZILIAN TRUTH COMMISSIONS AS EXPERIMENTS OF REPRESENTATION: BETWEEN IMPARTIALITY AND PROXIMITY

**Cristina Hollanda**

*The establishment of the National Truth Commission (NTC) in Brazil investigated human rights violations perpetrated by the civil–military dictatorship and triggered the subsequent creation of a large number of sub-national truth commissions. These commissions were established in myriad ways, but they are all non-elected bodies that lack traditional voters’ authorisation and accountability mechanisms at their inception. Nonetheless, their actors have created a large body of representative claims to support their actions, the examination of which is the purpose of this article. The analysis is based on data collected by the author, including interviews with commissioners. There is a widespread agreement about the ethical objectives of human rights advocacy and the shared assumption that exposing the “truth” about the violent past is a means to achieve these objectives. Conversely, there is substantial disagreement about the driving values behind the commissions, which can to some extent be described by the notions of active impartiality, proximity and perspective. I conclude that the fundamental shared trait of the representative claims deployed by the sub-national truth commissions in Brazil involves conceptualising victims as legitimate representatives, who are qualified by the moral authority of their experience, in contrast with other national truth commissions.*

## **Introduction**

In contemporary Brazil, the crisis of representative democracy has become commonplace in political discourse. Those who espouse this concern openly diverge in the way they dream up remedies and plans for future policies, but their views converge in their analysis of the shortcomings or unsuitability of the current electoral and party-based system. Although the democracy-in-crisis rhetoric is usually perceived as a novelty, scepticism about the traditional means of representation dates back to at least the establishment of the new democratic system in the country, in 1985.

This scepticism about representative democracy has engendered a dismissive and often contemptuous attitude towards traditional politics, and has also fostered new forms of interaction between society and the State in the last few decades that did not include the usual electoral intermediation (Avritzer 2007; Avritzer 2008; Lavalle 2006a, 2006b; Lavalle and Vera 2011; Miguel 2005). The landmark of this new trend was the Constitution of 1988 and the subsequent legislative adjustments it triggered at the state and municipal levels. With varying degrees of intensity, these have allowed civil society to be drawn into the political arena in planning, implementing and controlling public policies. The Brazilian experience has led to an array of what Pierre Rosanvallón refers to as “hybrid forums”, which spread around the world in the 1990s as new perceived sources of democratic legitimacy (Rosanvallón 2009:

295). In the 2000s, during the presidency of Lula, these new arenas became more widespread, diverse and empowered, and were enthusiastically described as “democratic experimentalism” (Pogrebinski and Santos 2011).

More recently, a new forum has begun to attract interest: the truth commissions which were established with the goal of investigating the crimes of the dictatorship in Brazil. These commissions are non-elected bodies that therefore lack voters’ authorisation and accountability mechanisms at their inception. Despite this, they claim to be representative bodies, in the sense intended by Michael Saward (Saward 2010), that is, they invoke a *representative claim*. By giving voice to some of the affected people by State violence, they intend to speak in the name of the victims of the dictatorship and represent them symbolically. To this purpose, they articulate different legitimatising strategies—which keep important similarities, but often show signs of tension or even open contradiction among themselves. Commission members sharply disagree in their conceptualisation of their representative condition, and display different levels of awareness and understanding of their many divergent opinions.

Truth commissions in general constitute an underexplored object of inquiry in discussions about political representation. The establishment of the Brazilian National Truth Commission (NTC) in 2011 resembles in many ways other truth commissions in the world, which serve as a type of institutional formula for new democratic governments in countries recently emerging from authoritarian regimes or civil wars.<sup>1</sup> In Brazil, however, an unprecedented phenomenon emerged soon afterwards: the formation of sub-national truth commissions, of which there were more than a hundred by December 2014.<sup>2</sup> This wide-ranging, diverse and *sui generis* phenomenon is referred to here as *commissionism*. The sub-national truth commissions in Brazil are, to the best of my knowledge, the only ones of their kind in the world: they act independently among themselves and are free from the responsibility of producing a single coherent national narrative about the dictatorship. They dispute the “truths” about the dictatorship<sup>3</sup> and also the definition of who counts as legitimate narrators to the local and national misfortune.

Recent trends in the Brazilian and international literatures about representation seek to understand (and sometimes prescribe) means of non-electoral legitimacy, unrelated to—or in an uneasy alliance with—the traditional mechanisms for the *authorisation* and *accountability* of the representatives. The new focus on representation—despite several significant nuances—rejects the static and private model of the contract and focuses on representation as a process. Despite a number of different approaches and conclusions—and even disparities—with regard to the issue of representation, authors such as Pierre Rosanvallon, Iris Young and Michael Saward set out from a common premise of representation as a creative experience (Rosanvallon 2009; Saward 2010; Young 2001). These authors are concerned with the contemporary range of perceived sources of legitimacy for the question of representation and Saward in particular draws attention to the unstable and highly variable qualities of the *representative claims* (Saward 2010: 10).

It is from this standpoint that I will investigate the Brazilian truth commissions in this article. I will examine the disputes arising amidst the many public justifications produced by the truth commissions’ members. These commissioners are eager to confer legitimacy to their enterprises, which are intended to be representative and are presented as such, even though they lack the express authorisation of those in whose name they act, which they variously identify as ranging from those who were directly persecuted by dictatorship to any person or population who may have been affected by the violence of the State in the past or in the present.

I will present my empirical research framed by different ideas about political representation, with references to the works of Rosanvallon and Young. More specifically, I will draw on the information obtained on the basis of a systematic investigation of 45 state and municipal truth commissions established in the country<sup>4</sup> as well as 11 semi-structured interviews that were conducted with state commissioners.<sup>5</sup>

The first section of the article provides an overview of the truth commissions in the country and the many ways they converge in their views on representative action. In the second section, I investigate the dispute between the different profiles of the commissioners, which in turn introduces a discussion about the origins of and what counts as legitimacy in the question of political representation, during which I will resort to the principles of *active impartiality* (Rosanvallon 2009) on the one hand, and *proximity* (Rosanvallon 2009) and *perspective* (Young 2001), on the other. The tension between these two principle axes is exemplarily experienced in the disputes between the National Truth Commission and the Rubens Paiva Commission, from the Legislative Assembly of São Paulo. The phenomenon of *commissionism* throughout the country allows, though, for nuance and overlaps between them, in line with Rosanvallon's proposition.

In the course of this article, I will avoid the debate about whether the truth commissions are, or should be, democratic forms of representation. My study focuses instead on the discourses and arguments that are used by their members to justify their own *representative claims*. In writing about representative claims, a topic that is strongly characterised by disputes surrounding normative issues, I will privilege their interpretative potential and will sidestep any normative discussions. Nonetheless, with regard to the questions of legitimacy, I will note that the truth commissions in Brazil spread through the country not in opposition, but in combination with State structures that are themselves authorised by democratic rites, and have animated the national public discourse about memory, democracy and human rights.

### **Truth Commissions: Scenarios and Convergence**

The rapid proliferation of truth commissions from 2012 to 2014 did not follow any set pattern, nor as it evolved was this procedure governed by the guidelines laid down by any leadership. The phenomenon of *commissionism* spread like a contagion, with the NTC playing a triggering role without however dictating its course.<sup>6</sup> In this section, I briefly point out some of the general aspects of this phenomenon by noting its diverse set of institutional forms as well as its common interpretations of social reality and types of public justifications.

In characterising the wide diversity of *commissionism*, it should be stressed that it involved entities that fall outside the scope of the State, such as universities,<sup>7</sup> trade unions, and other professional organisations, as well as others that fall within the scope of the State, even if they involved both civil society and state actors, such as state and municipal governments or legislative chambers. In this article, I focus on the 45 commissions that fall within the scope of the State and that were created by laws, issue decrees and other related legal instruments,<sup>8</sup> and had their leadership and membership also appointed by State agents, sometimes counting on suggestions and indications from civil society. These commissions were themselves in a position to declare official truths, within the scope of their local community and in accordance with the many different justifications they offered for their legitimacy as representative bodies. In terms of their general objectives and methodology, they were all expected to produce a final report giving a broad narrative of dictatorship violence mostly based on documentary research and the testimony of dictatorship victims and their families.

From a perspective which regards representation as an open process, the truth commissions often began as a miscellaneous collection of demands, actors and causes—some of an amorphous nature—which were often, but not always, progressively defined and consolidated in the midst of the tensions elicited by the basic dynamics of trust–distrust and affinity–discord among the various actors involved, whether individuals or groups, both within and outside the commissions. The main axes of convergence and dispute were established among and within the following actors: 1. commissioners appointed by governments or legislative bodies among members of civil society; 2. commissioners appointed by governments or legislative bodies among members of governments and legislative bodies;<sup>9</sup> 3. the social group commissioners belong to, symbolically and/or formally; 4. the truth commissions as a whole.

This last axis—that of agreements and quarrels between the commissions—is particularly important to define the nature of *commissionism* in Brazil. In contrast with other truth commission experiences worldwide, it is striking that in the sub-national truth commissions in Brazil, their local experiences were often times more significant in their organisation and operations than simply following the blueprint established by the international community,<sup>10</sup> which was explicitly adopted and endorsed by the NTC. Therefore, the dynamics of institutional *mimesis* in *commissionism* operate in both vertical and horizontal directions. Vertically, there is a flow of inspiration<sup>11</sup> (or rejection<sup>12</sup>) that operates from “top to bottom”—moving from international standards to national standards established by the NTC and then to state and municipal levels.<sup>13</sup> Horizontally, one also observes a significant flow of inspiration from one state to another and from one municipality to another.<sup>14</sup> State and municipal truth commissions tend to share similar concerns and goals that may deviate significantly from those of other commissions (which are concerned with different local realities), and these shared concerns contribute to their production of similar narratives about the truth.<sup>15</sup>

With respect to *commissionism*, the vertical and horizontal inspirations and rejections vary according to their principles (as will be seen in the next section), political and institutional arrangements, contexts of social mobilisation and demands for political representation, budget funds and various references arising from idiosyncratic personal relations and political activism.<sup>16</sup> As a result of the interactions of these variables, *commissionism* can be described as a fragile tangled network, since the sub-national truth commissions have shown a strong tendency to act autonomously, even the smaller and more resource-strapped ones.

However, despite the high level of fragmentation and poor institutional cooperation, it is possible to identify a set of common underlying principles across the sub-national truth commissions. In particular, I argue that there are three common strands to public justification in *commissionism* which are closely intertwined and supported by different claims of legitimacy derived from human rights doctrines. Since the truth commissions lack electoral validation and have not been authorised in any way by the people they claim to represent, the validity of this representing relationship is claimed to derive from the premises that they serve, and which are actively asserted as incontestable and not open to scrutiny. These premises are: 1. the political pedagogy of “truth”—that is, the assumption that the revelation of past misdeeds provides a guarantee that they will not be repeated; 2. the causal relationship between past and present human rights violations and 3. the indissoluble ties between democracy and human rights, which suggest that the current political experience in Brazil does not qualify as true democracy.

With regard to the “pedagogy of truth”, it encompasses a declarative ritual or simply an act of disclosing violent events or routine acts of violence, which had not been known about before. Once the “truth” has been established, the assumption is that it is a necessary, if not

sufficient, condition for preventing any repetition of past crimes. It is as if truth had a kind of “prophylactic” effect, as put by one commissioner from the state of Bahia. Among commissioners, it has become a commonplace that there is a direct correspondence between knowledge and avoidance of *evil*—or, in native language, between “truth” and the “never again”. However, it is a formidable task when society is perceived to be in throes of an “authoritarian”, “anti-republican” or “precarious” political culture, according to commissioners from Amapá, São Paulo and Minas Gerais, respectively.

Although the commissions’ mandate was to investigate the crimes of the dictatorship, the constant references to current police violence in the country have turned into a key aspect of their public image. The commissioner from Rio de Janeiro, for example, was amazed by the fact that “the people” failed to associate “a police force who kills [nowadays] within the UPPs [Police Peacekeeping Units] with a police force who [in the past] kills within the DOI/CODI [Department of Information Operations—Centre for Internal Defence Operations]”.<sup>17</sup> The commissioners merged the past with the present in making State violence a central piece of an anguished appeal to break with the violent past, something that has never really materialised. “How many Amarildos<sup>18</sup> will it take for us to change things?” asked the commissioner from Rio de Janeiro.

Even though nearly 30 years have elapsed since the enactment of the new Constitution in 1988, the commissioners insisted on employing the term “transitional justice” when referring to the experience of the commissions because they continue to observe serious shortcomings in the democratic experience in the country, namely everyday cases of human rights violations by the State that primarily victimise the poor. According to the commissioners, democracy and human rights are intrinsically linked. If a democracy shows signs of being in a collision course with human rights, it is because it has not been fully established or been properly instructed. It lacks “truth”.

Taken together, these three axes—this is, the pedagogy of truth and the assumptions of causal nexus between past and present violence and necessary ties between democracy and human rights—provide a common ground to the representative claim: they include at once the moral commitment of the commissions to the past and present victims of a violent State. The premise that the cause of human rights and the means to fully enact them are eminently reasonable provides grounds for the validity of the representative claims of the truth commissions. However, despite this common ground, it is possible to observe significant disagreements amongst the representative claims of the truth commissions in the country, and this is the subject of the next section.

### **Truth Commissions: Between Impartiality and Proximity/Perspective**

The lack of any authorisation by those who are allegedly represented<sup>19</sup> by the truth commissions broadens their representative challenge rather than suppresses it. These new bodies are displaced from the axiomatic and comfortable zone of electoral practices. The sources of legitimacy invoked by commissioners are not restricted to agreements about the “prophylactic” effect of truth and politics of memory. The validation systems that support the commissions’ claims to be part of representative bodies are also fraught with serious disagreements. These disagreements relate primarily to the choice of commissioners. After dealing with the common ground of truth commissions, based on the three-shared premises presented in the previous section, this current section focuses on the two axes of legitimacy of truth commissions that are under dispute, although not necessarily mutually exclusive. On the

one hand, they draw close to the principle of “active impartiality”, as employed respectively by Rosanvallon, and, on the other, to the concepts of *proximity* and *perspective*, of Rosanvallon, again, and Iris Young. Although Young is mainly concerned with parliamentary dynamics and does not imply with the notion of *perspective* a genuine intention to represent, her category serves, with some modifications, to support interesting insights about the Brazilian truth commissions, as we will see soon.

The two axes in question manifested politically in the decisions about whether or not to allow those victimised by the dictatorship to act as commissioners. This decision encompasses two different ways of understanding the representative process, which are not necessarily easy to reconcile and may be distant from the ideal complementarity of differences proposed by Rosanvallon (2009). The first interpretation, based on an ideal of engaged impartiality and in line with the international parameters of truth commissions, played a significant role in the organisation of the NTC. In contrast, the other principle adopted for the selection of commissioners rejected the principle of impartiality and derived their moral authority from the fact that they had been affected by the dictatorship, this is, by their condition of victim. *Commissionism* includes different combinations and local variations of these two opposing principles.

In the law that enacted the NTC (No. 12.528, 18 November 2011), one of the Articles stipulates that its members must be people of “recognised integrity and ethical conduct, known for their support of democracy and constitutional institutions, as well as their respect for human rights”. In the same article, it is stated that participation is denied to those “who are not in a position to fulfil the remit of the Commission in an impartial way”. In addition to excluding military personnel and people linked to the political practices and values of the dictatorship, the interpretation of this clause resulted in the selection of a body of commissioners composed by people who were not directly affected by the regime. In other words, they included people who were well known for their commitment to democracy and human rights and had not been imprisoned, tortured, and forced to hide or been driven into exile as a result of the measures taken by the dictatorship. The underlying premise was that the scarring of the commissioners by the regime could compromise their impartiality in the search for “factual truth”, as defined by the last president of the NTC, Pedro Dallari.

The desired profile for commissioners has an affinity with Rosanvallon’s idea of “active impartiality”, attributed to subjects that are impartial and dispassionate but who are nonetheless inevitably situated in a world of passions, conflicts and therefore partialities. Far from the rational introspection of people in the condition of ignorance imagined by John Rawls, the commissioners, as interpreted through the lens of Rosanvallon’s notion of “active impartiality”, define their activities as occurring “amidst a corrosive face-to-face encounter” (Rosanvallon 2009: 161). Thus the impartiality in question does not lack a “position”. It wants to be active and restorative but, according to NTC’s legislators, it seems to be inaccessible to people who are hostages of the “closed positions” that stem from their biographies (Rosanvallon 2009: 162). Supposedly, rejecting for the role of commissioners those who had been personally involved in the object of investigation of the NTC could provide the commissions’ leadership a condition of independence, which in turn would allow them to be impartial. Since *impartiality* here is taken to consist of a “living quality”, and not a *status* (as is the case of independence), Rosanvallon would view this institutional engineering of the NTC as providing the necessary (but not sufficient) conditions needed for achieving impartial behaviour. Rosanvallon imagined a delicate theory of legitimacy, balanced in some intermediary position between the distance of the represented object (via impartiality), on the one hand, and the passion or simply the willingness to act, on the other.

Although the ideal of a moderated passion does not fit in the legal vocabulary, it nonetheless informed the public scene that was created by government around the NCT. This was underlined by the tears of former President Dilma Rousseff, herself a victim of the dictatorship, during the ceremonies for the inauguration and closure of the commission. However, the emotional tone never eluded the subtle balance imagined by Rosanvallon. In the speech given by Rousseff, she insisted that she had not been “moved by personal relations or wanted to make a subjective evaluation” and rejected the idea of “seeking revenge” and “settling accounts”. “I chose a group of citizens of both sexes that are recognised for being competent, sensible and considerate who were concerned with justice and balance”.<sup>20</sup> And these ties, as already seen, are based on a general sensibility for the human rights causes (including the closely related ideas of democracy and truth), but depart from the domains of *proximity*, derived from shared or similar life stories.

The emphasis laid on moderate action, without social and biographical bonds between the different actors of the representative process, brings the NTC close to the parameters of the truth commissions in the rest of the world. In the case of societies that are riven by political strife, divided in groups which have no recourse to the “autonomy of judgment” and universal empathy and are hostages to “entrenched positions”, the goal of *impartiality* takes shape in the hybrid bodies of national and foreign actors—as in Haiti, Guatemala, Sierra Leone and Liberia—or even in strictly international frameworks—such as in El Salvador.<sup>21</sup> In this case, experience in human rights advocacy at an international level mixes with immunity with regard to the networks of local power, affection and loyalty. Thus, the “active impartiality” of Rosanvallon, which was a formative desideratum of the NTC from its inception, may be achieved by a variety of means.

In an open confrontation with the paradigm of impartiality, the President of the Truth Commission of the Legislative Assembly of the State of São Paulo “Rubens Paiva” (RPC), Adriano Diogo, referred to the NTC as a kind of counter model of principles and action: “while in the National [NTC] there could not be any families or militants involved, here we had all of them”. The NTC commissioners lacked any “living personal experience”, the commissioner stated. Their relationship (aversive or otherwise) to the dictatorship years was merely intellectual.

In the language of confrontation with the NCT, the RPC employed another key figure of democratic legitimacy in the contemporary scene, according to Rosanvallon: *proximity* (Rosanvallon 2009). Since the end of the 1990s, the concept of *proximity* has been invoked as a “new figure of the political good”, that is resistant to the automatic administration of rules, and sensitive to the particular circumstances of life. Thinking of the situation in France and the United States, Rosanvallon suggests that a kind of social expectation that involves listening and understanding has become increasingly more widespread. The general public expected—and highly valued—a regard for their particular situation more than the benefits obtained as a result of their interaction with public sectors. Or, in the terms used by the São Paulo commissioner, (...) there is a need to take into account a “living personal experience”, which provides a close match to the questions raised by Rosanvallon of re-embodiment of politics and reacting to feelings of “abandonment”, “oblivion, indifference and contempt”, there is a need to take into account a “living personal experience”.

Designed as a parliamentary commission for legislative purposes, the RPC was set up by a state representative who had been imprisoned and tortured during the dictatorship and who, as a public figure, was closely linked to denunciations of political repression. Although constituted in accordance with the formal requirements of parliamentary commissions, with



representatives from various political parties, the deputy commissioner referred to the RPC as a “commission of the left and of political activists”, as well as of the “families [of those persecuted during the dictatorship]”. To ensure this profile was obtained, he appointed staff<sup>22</sup> who became the RPC’s public face: former political prisoners tortured by the dictatorship and militants traditionally involved with the fight for the clarification of the dictatorship’s crimes. The RPC’s point of departure reversed that of the NTC: it was those who had been affected by the regime and who for decades had been involved in the “struggle against forgetting” who were deemed to be in the best position to represent the “truth” of those who had shared their suffering. The RPC radicalised the principle of “listening”, which is enshrined in every truth commission, when it placed the victims not only in as witnesses but also in undertaking the work of the commission.

Among the precepts of *advocacy*, the RPC model preserves and radicalises the passionate one, by refusing to filter it through the “autonomy of judgment”. In the words of Adriano Diogo, “whenever the State/Government/official power broaches the question of dictatorship, it comes in by the back door, creating a lot of confusion”, rather than “entering on the side of *naturalness*, this is, of families of the victims and those affected, it wants to enter through the superstructure. This is a mistake”. The underlying assumption is that there is an unbridgeable gap between those who were affected and those who were unaffected by the regime. The argument of *naturalness* is thus articulated against *expertise* as a sufficient condition for political action: “the NTC has come to be organised by people and institutions that are unfamiliar with the facts with which they are dealing. This leads to a lot of distortions”. Among those appointed as NTC commissioners, there were “important lawyers and jurists—wonderful people—but who knew nothing whatsoever about the dictatorship”.

In establishing its identity, the commission of São Paulo assumed the need for representatives and represented to share a common observation point of reality—or, in the words of Iris Young, a particular social *perspective*. The RPC accepts the principle that close life experiences create common sensitivities that must be represented—as a condition for guaranteeing coherence and no “distortions” in the representative process.

However, the approximation with Young requires an important adjustment: in the RPC, the meaning of *perspective* is not based on the more usual categories of social belonging such as class, race and gender. The affinity between representatives and represented is fixed in the common and past experience of violence—which brings people together not by virtue of their birth but through the political decisions they made to resist the dictatorship. The links of continuity between the two parts of the representative process are triggered by mechanisms of both individual and collective memories. The “naturalness” referred to by the RPC commissioner—that is, the closeness between the parts of the representative process—is not given, but constructed by the RPC. The wide-ranging native notion of “the voice of the victims”—which parallels Young’s (2001) idea of *perspective*—includes different social groups such as students, labourers, indigenous communities and other sectors of society that were persecuted by the military regime. In this RPC connotation, the condition of “victim”,<sup>23</sup> despite the different origins of those involved, defines its *positionality* (Young 2001). In the words of the São Paulo commissioner: “I don’t know what conclusion will be reached but they are the people who are qualified to undertake this work”. Still in line with Young, there are no contents of “truth”—or contents of representation—which can be known *a priori* as a result of shared sensitivities.

In the expansion of the commissions by the states and municipalities in the country, a striking feature was the moral authority bestowed upon the figure of the *affected*

commissioner—whether directly or indirectly a victim<sup>24</sup> of the dictatorship and thus involved with the represented cause.<sup>25</sup> In the comments made by one commissioner from Rio de Janeiro about the presence of “family members and former political prisoners” in the commission, the meaning of *naturalness* comes to the surface: “this is their life, isn’t it? It’s been decades with this issue present in their lives. They had to be here”. In Santa Catarina, the interviewed commissioner commented, in the same vein, on the presence in the commission of a colleague who had been imprisoned and tortured during the period of the dictatorship: “I can’t imagine anybody who can question her presence. She embodies the *living memory* of the dictatorship in the state”.

Although *commissionism* was significantly based on the understanding of “positionality” associated with the shared experience of victimhood, the sociological emptying of the victim category was a matter of intense disagreement both among and within the commissions. In the State of São Paulo, for example, labour organisations criticised the understanding of victimhood used by the RPC. In its militant denial of the NTC’s paradigm of impartiality, the RPC stretched the limits of “perspective” to cover everybody who, under the dictatorship, shared experiences of physical violence, as well as their family members.<sup>26</sup> However, with its primary concern about investigating those who had “died or disappeared” during the period of the regime—who usually came from the middle or upper classes of society—the RPC had paid little attention to the persecution of the labourers, such as the inclusion of their names in “black lists” and the resulting disenfranchisement and denial of their right to work. This criticism pointed out the unconfessed social markers of the RPC. The commissions of the ABC district<sup>27</sup> were, on the contrary, explicit about their “social markers”, related to a local and strong tradition of trade union militancy during the dictatorship. Their notion of *perspective* drew closer to the ethical construct imagined by Young. In their commissions, the moral authority of the commissioners is mainly associated to the fact that their social condition is close to that of the people they claim to represent (mainly labourers and trade unionists)—and not *only* to the experience of political violence that affected people coming from different social conditions.

In summary, I have presented a general overview of truth commissions in Brazil, together with their discordant—or even conflicting—conceptualisations of legitimate representation. Given the lack of electoral authorisation to commissioners, the legitimacy they seek fluctuates between the kind of ties forged between the cause and the “victims” they intend to represent. In the theory embodied in the NTC, the expectation of legitimacy rests in an ability to keep the commissioners reasonably detached from the objects and objectives of the commission. In contrast, the RPC explicitly rejects this perspective as a matter of principle. The RPC’s founder and president stressed the dimension of *proximity* between representatives and those allegedly represented. In the complex web of commissions, the two principles of representation cannot be seen in a pure form, but overlap in hybrid frameworks of principles involving commissioners and staff whose moral authority derives from impartial standards—“recognised integrity and ethical conduct” as can be seen in the law that enacted the NTC—or from their marked engagement—defined with regard to their condition of the victim and/or militancy in the pursuit of “human rights”.

## Final Notes

The truth commissions in Brazil involved government officials and organised sectors of civil society operating closely with each other and beset by convergent opinions and conflicts.

They benefited from initiatives, mechanisms and political manoeuvres orchestrated by these two groups. After it was triggered in December 2011, the phenomenon of *commissionism* survived the general 2014 state elections, when the two groups of actors in question became even more closely intertwined with the increasing circulation of commissioners within and among social movements and elective positions.

Although commissioners were not elected to the function they performed, the dynamics of their work were closely attached to the world of elections. The commissions included people whose positions were sanctioned by vote, either in a direct way (in the case of state representatives and city councillors) or indirectly (in the case of state-level cabinet positions and civil servants in general) and, in the specific case of legislative commissions, their schedules were governed by the time frame imposed by the electoral cycle of the legislature. This is, the commissions' mandate often ended in tandem with the mandates of state representatives and city councillors. In addition to their formal legal frameworks, the proximity of the commissions to the electoral domain also determined the way their complex and disputed set of *representative claims* was established. The statement of the commissioner from São Paulo, who was also a state representative, that their work in the RPC forms a part of their responsibilities as "representatives of the people" is illustrative of the idea of "derived legitimacy", "which does not directly originate from the body of citizens", observed by Rosanvallon in the forums which appeared in the democratic scene at the end of the 1990s (Rosanvallon 2009: 135).

Besides merging government and civil society actors, the hybrid nature of the commissions means that they have been composed both by people who were and by people who were not affected by the human rights violations perpetrated by dictatorship. It is precisely here that—among other factors—the sub-national truth commissions have made innovations with regards to the NTC and the field of transitional justice in the world. The inclusion of victims in the commissions was a key element, although not the only factor, in their expansionary impetus. In *commissionism* as a whole, one observes a strong privileging of the *proximity–perspective* axis (or, in the language of the commissioners, of the "militant vocation"), based on the acceptance of the point of view of the victims, or in their "truth", which tends to be distant from recommendations for a dispassionate approach.

Despite open disputes between the principles of *active impartiality* and *proximity*, as illustrated by the conflict between the NTC and the RPC, those two sources of representative claims were not experienced as pure or mutually exclusive categories. Even within the NTC's ranks, for example, the principle of *proximity–perspective* seems to have informed their operations during the creation of the subcommittee of labour issues, led by figures known to have been affected by the violence of the military regime. As for RPC, it incorporated a body of trained young staff who were close to the principles of *active impartiality*—although, in reality, greater stress was laid on "forging impassioned links" than on "the autonomy of justice" with regard to the object of representation.

There was a marked trend in *commissionism* to accommodate, in different proportions and to different extents, the potential conflicting ideas about political representation with only residual expressions of political strife. This is, the ideas of *active impartiality* and *proximity* did not necessarily compete with each other. As explored by Rosanvallon, although they emanate from essentially different motivations and expectations concerning the public arena, these ideas may be experienced simultaneously. In Brazil, *commissionism* experienced both their tension and complementarity.

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## NOTES

1. Truth commissions have a judicial character and their aim is to investigate human rights violations committed by authoritarian governments or aggressive groups. They have become widespread since the 1980s in countries recently emerging from authoritarian regimes or civil wars. Although truth commissions vary in accordance with the situations where they operate, intellectuals and activists of what is commonly referred to as transitional justice have laid down criteria regarding the way they should take place and set universal assessment parameters for them. With regard to this it is worth citing the methodology employed in the analysis of *Transitional Justice Research Collaborative*, of the Harvard University, and the “Transitional Justice. A Manual for Latin America”, produced in a partnership between the Brazilian Ministry of Justice and the International Center for Transitional Justice based in New York.
2. It is challenging to give a precise figure for the number of commissions in the country, given the numerous institutional affiliates and the fact that the ever-expanding phenomenon is decentralized. This rough estimate is based on the final report of the National Truth Commission, published in December 2014 and available at [www.cnv.gov.br](http://www.cnv.gov.br) (last consulted in 15 January 2017).
3. The Truth Commission of the State of Paraíba, for example, emphasised investigations of acts of violence committed against peasant farmers and the Truth Commission of Amapá was partly devoted to investigating what were called “economic crimes”, such as the opening of roads in the forest, which have particularly victimized the indigenous population of the state. The commissioners that were interviewed in the two states criticized the fact that the “truth” about dictatorship usually focuses on the victims in large urban centres such as those of Rio de Janeiro and São Paulo and neglects the suffering of peasant farmers and indigenous populations.
4. Among the more than 100 non-national commissions referred to by the National Truth Commission, the 45 commissions that make up this study have formal links with the State at federal, state and municipal levels. This was the selection criterion for this study.
5. The referred commissioners were related to the following bodies: The National Truth Commission, Truth Commission of Santa Catarina (Paulo Stuart Wright) (SC), Truth Commission of Paraná (“Teresa Urban”) (PR), Truth Commission of Rio Grande do Sul (RS), Truth Commission of Rio de Janeiro (RJ), Truth Commission of São Paulo (“Rubens Paiva”) (SP), Truth Commission and Preservation of Memory of the State of Paraíba (PB), Truth Commission of Bahia (BA), Memory and Truth Commission of the State of Pernambuco (“Dom Helder Câmara”) (PE) and Truth Commission of Amapá (AP).

6. Indeed, it is noteworthy that the final report of the National Truth Commission did not manage to arrive at a precise figure for the number of truth commissions in the country, and was only able to provide a rough estimate.
7. In reality, the university commissions are in an ambiguous position because most of them are linked to public universities and are composed of staff and student representations. Although faculty and staff at public universities are civil servants, they do not act as government agents.
8. In this extensive list, the state commissions tended to acquire more financial resources, powers and thus potential for action. They were set up between February 2012 and March 2014 by 1. A Resolution of the State Assembly (in the case of São Paulo), which restricts the commission to a legislative format with the necessary number of parties; 2. Decrees issued by the Governor (in the case of Bahia, Paraíba, Rio Grande do Sul, Goiás, Santa Catarina and Sergipe), which incorporated the commissions in government secretaries without any budgetary autonomy and 3. State legislation (in the case of Amapá, Minas Gerais, Pará, Paraná, Pernambuco, Rio de Janeiro and the second convening of the commission in Santa Catarina), which led to more robust commissions being constituted, which had a greater chance of achieving autonomy and were less affected by the fluctuations in support from the government. In the municipalities, the creation of the commissions replicated this pattern of formal instruments and resulted in Resolutions being passed by city councils and decrees being issued by mayors or municipal legislation. At two levels (state and municipal), and in any of their documentary material, there are no hierarchical ties whatever between the different commissions or even with regard to the National Truth Commission. Although the NTC has made attempts to coordinate the commissions through some kind of methodological supervision, particularly at the federal state level, their efforts were not conducted in a systematic way and, in the end, they only played a marginal role in orchestrating *commissionism*.
9. With regard to points 1 and 2, it should be pointed out that the appointment for the role of commissioner had many possible origins. In the cases of commissions set up by legislative assemblies, they followed the prescribed rules for the creation of legislative commissions and were generally presided by the state representatives or councillors that were responsible for passing the resolution. In the case of the commissions that were created by laws or state and municipal decrees, recommendations for the appointments came directly from the governor or mayor, who chose from among people who had the trust of the government (whether or not they were involved in human rights advocacy) or who were publicly recognized for their resistance to the dictatorship or who were identified via informal consultations to civil society organizations with a recognized track record of acting on behalf of those persecuted by the dictatorship or those who had their human rights violated more generally.
10. It is in this way, for example, that the Truth Commission of Amapá, which was a pioneer in the investigation of the oppression and persecution of indigenous people by the dictatorship, established a strictly cooperative relationship with those involved in implementing the Truth Commission of the State of Pará, who were confronted with a comparable set of issues. In the same way, the spread of commissions in the industrial ABC region of the state of São Paulo was guided more by local issues than by the exemplary but unobtainable ideals of the Rubens Paiva Commission of the Legislative Assembly of São Paulo.
11. This was the exemplary and discordant case of the Truth Commission of Rio Grande do Sul, which closely adhered to the parameters defined by the NTC.

12. The notion of rejection is the key to the argument in the second section of this article, which focuses on the openly antagonistic behaviour of the Rubens Paiva Commission of the Legislative Assembly of São Paulo towards the NTC. The RPC, as will be seen, defines its identity by refusing to accept the representative claim of the NTC. Among the extreme points of inspiration and rejection, one can find nuanced experiences of inspiration and rejection acting together with a partial adherence to (and also criticism of) the parameters set by the NTC.
13. In an environment that is strongly characterized by the internationalization of the discourse about human rights and its mechanisms, the vertical axis can often dispense with the intermediaries and directly act on local actors. A case in point was the Truth Commission of Pernambuco, whose commissioners directly mentioned the international protocols of transitional justice as well as issues pertaining to the cause human rights in general. In addition, there are recurring references to international examples in the speeches of the commissioners, notably to the Truth and Reconciliation Commission of South Africa.
14. As an example of the latter, the newspaper *Diário do Grande ABC* published an article on 13 October 2013 under the heading "Truth Commission becomes trendy in the *Grande ABC*". *Grande ABC* refers to industrial region in the metropolitan area of the city of São Paulo that encompasses the cities of Santo André (A), São Bernardo do Campo (B) and São Caetano do Sul (C) and also the towns of Diadema, Mauá and Ribeirão Pires. The referred article stated that the city councils in the region had decided to "join into the fad" in "seeking clarifications about events that transpired at the *Grande ABC* during the period of the military regime".
15. With specific regard to the ABC commissions, they were committed to the "truth" about the involvement of companies in the military regime, and investigating and collating the information about the connection between the network of "black lists" and other politically motivated exclusionary practices by the local industrial market.
16. One of the commissioners from Rio de Janeiro revealed, for example, cooperative relations between truth commissions that were triggered by contact with former "cell mates" from the times of the dictatorship who today pursue their political activism in different states.
17. A UPP is a Public Security program that was set up by the State Government of Rio de Janeiro in 2008 with the aim of repossessing communities that had been in the grip of drug dealers and ensuring they had access to the services of the State. It aroused a good deal of controversy and was accused of providing a haven for police violence. DOI/CODI was an intelligence agency for political repression that was subordinate to the Brazilian Armed Forces during the period of the military regime.
18. Amarildo Dias de Souza was a bricklayer assistant who was murdered by Military Police at the headquarters of an UPP in the neighbourhood of Rocinha, in Rio de Janeiro, on 14 July 2013. This case became a symbol of the abuse and violence of the police authorities.
19. In traditional theories of representation, like the classic work of Hannah Pitkin, those who are represented will be known *a priori*, located within a particular prescribed region and aware of who and what they are expected to represent (Pitkin 2015).
20. Speech given by Dilma Rousseff on 16 May 2012. Source: [www2.planalto.gov.br](http://www2.planalto.gov.br) (last consulted in 15 January 2017).
21. For a systematic survey of the members of the truth commissions throughout the world, see Hayner (2011).
22. In being formed as a legislative commission, as mentioned above, the composition of the CRP commissioners complied with the formal criteria of the parliamentary commissions

and was represented by various parties. However, the symbolic formation of the Rubens Paiva Commission was guided by the presence of staff who had notoriously been victims of the dictatorship. With regard to their staff composition, the CRP followed a strikingly different model from that of the other truth commissions in the country, where staff were not leading figures in the eyes of the public.

23. The scare quotes are to draw attention to the fact that this concerns a category that was employed by different commissioners who granted an interview to the author of this article.
24. Indirect victims are the first-degree or second-degree relatives of those who were forcibly disappeared or tortured by the military regime.
25. In Minas Gerais, the state truth commission reached the point of only being made up of people who were, in some way, affected by the political repression. Only three commissions in the federal state level did not have commissioners directly affected by the dictatorship (Acre, Paraná and Rio Grande do Sul). The other 9 federal state-level commissions (Rio de Janeiro, Alagoas, Goiás, Pará, Paraíba, São Paulo, Pernambuco, Bahia and Santa Catarina), as well as 13 of the 19 municipal ones, had a hybrid composition; in other words, they combined those affected and unaffected by the dictatorship in the “search” for (or creation of) the “voice” or “truth” of the “victims”.
26. The notion of subjective violence also includes members of the families of those who had been forcibly disappeared or tortured by the regime.
27. The industrial region in the metropolitan area of the city of São Paulo encompasses the cities of Santo André (A), São Bernardo do Campo (B) and São Caetano do Sul (C), and also the towns of Diadema, Mauá and Ribeirão Pires.

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