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THE IMAGE OF THE ENEMY IN THE BRAZILIAN CIVIL-MILITARY DICTATORSHIP: SEEGING A FLASH OF LUCIDITY WITH SARAMAGO

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ABSTRACT: This article analyzes the narrative events in the novel *Seeing*, by José Saramago. The purpose is to build a reflection on the criminalization of actions during the civil-military dictatorship in Brazil, as it was an instrument to destroy the identity of the so-called "enemy", the undesired subject of the state due to political matters, targeted by the government. By analyzing the five first *Institutional Acts*, proclaimed between 1964 and 1968, and the *Decree-Law 898/69*, also known as *National Security Law*, the first part of this study draws a brief overview of the normative instruments that supported the coup in Brazil and that were available to the rulers. The second section is backed by the singular description of the fictional events that took place in the Capital City facing the blank ballots plague, in Saramago's novel. It has the purpose of critically analyzing how the identity deconstruction of rebels is driven with aims at annulling and eliminating the images of those who are merely seen as the enemies, and no longer as singular individuals, with lives and identities.

KEYWORDS: Institutional Acts; Dictatorship; *Seeing*; Enemy; National Security Law.

1 INTRODUCTION

This paper has the purpose of analyzing a frequent practice of political persecution in dictatorships, especially the one that took over

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Brazil from 1964 with a military coup d'état: the identity deconstruction of those individuals who are undesired by the State. These are labeled as enemies of the "revolution" and seen as hindrances to the progress of the nation, so they need to be eliminated of political life.

Undeniably, choosing one perspective over others is fundamental for the development of an article like this. The perspective we chose is that of a legitimate citizen facing a State that commits illegal acts: a citizen as a human being whose realization claims the full maintenance of certain fundamental rights, which include those of political nature, and which should be granted and advocated by the state authority itself.

The reading of the novel *Seeing*, by José Saramago, has the purpose of indicating certain similarities between the political context of persecution in the story and the real institutionalized practices during the civil-military dictatorship in Brazil. Such persecution practices were based on projecting the image of an enemy in order to annihilate the political meaning of any action taken against the ruling order.

With that in mind, the first section of this article emphasizes the rationality of the political persecution established by the civil-military dictatorship in Brazil. It is a brief overview of some regulations from the first *Institutional Acts* and the *National Security Law*, the political instruments that concretized the laws of persecution and criminalization of political thinking, as a consequence of the authoritarianism of the period.

In the second section, we introduce the novel *Seeing*, by José Saramago, as a research object with the purpose of building, from the writings of the famous Portuguese writer, criticism to what may be seen as the main aspect of the Brazilian dictatorship. Governments such as that often demonstrate a large use of processes aiming at the criminalization of actions and the deconstruction of the enemies' identities, thus hindering the citizens' freedom of political manifestation, by annihilating and eliminating whatever opinion seen as dissident to the ruling order.

2 DEMONIZING THOSE SEDICIOUS BASTARDS

The image of the enemy was institutionalized by the Brazilian civil-military dictatorship. The *National Security Law*, with its various amendments between the years 1967 and 1969, contained criminal rules that selected the types of conduct taken, in that period, as the most debasing to the nation. But the construction of the combat against this abominable image, which menaced the success of the "victorious revolution" (Brazil, 1964), was not restricted to the sphere of sub-constitutional legislation.

An attentive glimpse reveals that the *Institutional Acts* themselves were based on sub-constitutional principles of fighting the enemy. The hierarchical position of the *Institutional Acts* in the legal system, imposing limitations to the 1946 *Constitution* then in force, reveals the deeply-spread ideas of the rationality that then prevailed in the political field. And, without a doubt, all the inspiration of the *National Security Law*, in that period, came from the prescriptions contained in the *Institutional Acts*. If the 1988 *Constitution of the Republic* is repeatedly highlighted for its eclectic character, it is by no means an exaggeration to say that the *Institutional Acts* explicitly revealed the intention to annihilate and eliminate any divergent political thoughts.

With this idea of combating an enemy, in April 9, 1964, the so-called "revolutionary" leaders professed, as saviors of humankind, in the preamble of the *Institutional Act no. 1*, emphasizing the "revolutionary" and continuous aspects of the civil-military movement then started. In their view, the nation would accept "almost fully" their movement, because the people supposedly supported their agenda of an "economic, financial, political and moral reconstruction of Brazil" (Brasil, 1964). However, at the time when the "revolution" gave expression to the nation's will and materialized through the *Institutional Act no. 1*, the creators of the movement (under the applause and almost full support of the population, at least according to what was in the text of the *Institutional Act*) needed the instruments for the realization of their "revolution", provided by the same political document.

Institutional Act no. 1 was thus an instrument and a founding document of the "revolution", as an expression of supposed popular support. Hence the "revolution" being invested in the exercise of Constituent Power and not gaining legitimacy from anyone other than itself. As Daniel Aarão Reis observes, "it was the revolution that legitimized the other existing powers, as well as the current Constitution itself, and not the other way around" (Reis, 2014, p. 51). Under one form or another, alongside the rhetoric of popular support, the claims of a "revolution" could not be undone. In this context, the communist enemy emerges, from within the government itself, which was "deliberately willing to Bolshevize the Country" (Brazil, 1964). As a foundation document, *Institutional Act no. 1* gave "revolutionary leaders" the powers to defend the nation against the enemy. As an instrument, it aimed at ensuring the success of the "revolution" unleashed, also in the face of this so-called enemy to be fought, with a penalty imposed in its *Article 10* of suspension of "political rights for ten (10) years" (Brasil, 1964), as well as the revocation of "federal, state and municipal legislative mandates, excluding the judicial review of these acts", "without the limitations of the Constitution" (Brazil, 1964).

While the first *Institutional Act* referred to a hidden enemy within the government, *Institutional Act no. 2*, of October 27, 1965, deals with it differently. The "revolutionary" rhetoric was still evidently used to justified whatever actions they had been taking. The permanence and continuity of the "revolution" was indeed the main justification for the permanence of the Constituent Power and, thus, of the edition of *Institutional Act no. 2*, as well as of the others that followed. For this reason, then, their words were of a "revolution" that "is and will continue to be" (Brasil, 1965). It is not an exaggeration to affirm, as Reis does, that *Institutional Act no. 2* "reinstated the dynamics of a state of exception, of a dictatorship" (Reis, 2014, p. 61). And the permanence of the "revolution" state had a reason, since a new, much more daring type of enemy had emerged: "agitators of various shades and elements of the eliminated situation" (Brazil, 1965). Again, it is visible that the allusion was always very fluid, vague and comprehensive. It was not obvious and transparent,

because obviousness and transparency would hinder the possibilities of state action.

Besides repeating the formula of penalizing with the suspension of political rights (now to any citizen, according to *Article 15*) and the "prohibition of activities or manifestations on political matters" (Brasil, 1965), as an effect of the loss of political rights (*Article 16*, paragraph III), *Article 30* of the new *Institutional Act* granted the President of the Republic with the power of editing complementary acts and decree-laws at any time, especially regarding national security concerns. Indirect elections for President of the Republic (*Article 9*) with limitation to two candidates (*Article 9*, paragraph 3), in addition to the extinction of Political Parties (*Article 18*) and, once again, the exclusion from judicial review of the acts performed based on the *Institutional Act*, these were some of the measures planned to guarantee the success of the "revolution".

Furthermore, *Institutional Act no. 3* and *Institutional Act no. 4* added little to the discussion, besides maintaining the aspect of continuing with the "revolution" state in the country, and broadening indirect elections toward the other spheres of the Executive and Legislative Powers. However, *Institutional Act no. 5* brought substantial changes in relation to the previous ones. First, it mentioned as its justification supposed cases of "clearly subversive acts, coming from the most different political and cultural sectors" (Brasil, 1968), which apparently had been done in order to undermine the "revolution", with the support of the same legal instruments previously designed to assist the "revolutionary" leaders. The upsurge is mainly due to the provisions of *Article 5*, which continued to state, as a consequence of the loss of political rights, in item III, the "prohibition of activities or demonstration on matters of a political nature". Similarly, *Article 10* suspended "*habeas corpus*, in cases of political crimes, against the national security, the economic and social order, and the popular economy" (Brasil, 1968). It is worth noting, again, from *Article 11*, the general clause of exclusion from judicial appraisal of all acts performed based on *Institutional Act no. 5* and its complementary laws.

In the sub-constitutional sphere, after the release of *Institutional Act no. 2*, *Decree-Law no. 314/67*, known as the *National Security Law*, came into force. This decree was later altered by *Decree-Law no. 510/67* and further substituted by *Decree-Law no. 898/69*, under the validity of *Institutional Act no. 5*. This latest normativity brought modifications to the secondary regulations regarding criminal penalties, and the *National Security Law* became stricter and more punitive.

Regarding its structure, *Decree-Law no. 314/67* is divided into three chapters. *Chapter I* contains the *Preliminary Provisions*, consisting of four articles and, except for the inclusion of three new provisions at the time of the entry into force of *Decree-Law 898/69* (which provided for extraterritoriality in criminal matters), had undergone few changes over the edition of the first five *Institutional Acts*. Thus, it worked as a nucleus from which, under the influence of the preambles of the *Institutional Acts*, derived the concepts that should inspire the application of the rules in this matter. *Chapter III*, which was called *On Process and Judgment*, conveys rules of a procedural nature, among which the one provided for in *Article 59*, paragraph 1, inherited from *Decree-Law no. 314/67*, which made the accused incommunicable for up to 10 days, "as long as it is necessary for military police investigations" (Brazil, 1969)[2].

Chapter II is the most interesting one for our analysis. It features criminal norms related to national security and, unlike *Chapter I*, it has undergone numerous modifications, introduced both by *Decree-Law 510/67* and *Decree-Law no. 898/69*, in both cases with the intention of increasing criminal sanctions. And, with the state of exception established, it is not surprising that it did so, since the *Institutional Acts* themselves,

[2] As the *Report of the National Truth Commission* points out, the *National Security Law* "contributed to the prisoner's vulnerability, with risk to their physical and mental integrity" (Brasil, 2014, v. 1, p. 315), with provisions that "allowed and stimulated the emergence, dissemination and consolidation of arbitrary and illegal practices in the arrest and custody of political prisoners" (Brasil, 2014, v. 1, p. 315). Let us consider, as an example, the reports of Hernani Fittipaldi, Jessie Jane, Innês Etienne Romeu, Hilda Martins da Silva and Emiliano José, political prisoners who remained incommunicado for a much longer time than that provided by law and stated having been subjected to sessions of physical and psychological torture (cf. Brasil, 2014, v. 1, p. 315-317).

throughout the years 1964 and 1968, based on a supposedly increasing influx of attacks on the "revolution", also suffered changes that enhanced the suppression of rights and freedom.

The first articles of *Decree-Law 314/67* reproduced, with conceptual pretensions, all the revolutionary rhetoric from the *Institutional Acts*. There was a vague definition of what "national security" was, as a "guarantee for the achievement of national objectives against antagonisms, both internal and external" (Brasil, 1967), and as a concept that supposedly comprised "measures aimed at preserving external and internal security" against "adverse, revolutionary or subversive psychological warfare" (Brasil, 1967). Even paragraphs 1, 2 and 3, introduced with the purpose of clarifying the ideas of "internal security" and "adverse psychological warfare", are too broad, unclear in the definition of the concepts they are intended to clarify. Take, for example, the definition of internal security as "antagonistic threats or pressures, of any origin, form or nature" (Brasil, 1967): any act, depending on the convenience of the authority, could be framed as potentially offensive to national security.

A closer look upon the criminal rules of the *National Security Law* reveals the absolutely undemocratic nature of that legislation. Among the criminalized behaviors, some stand out for revealing a wide-ranging claim to suppress any manifestation of political thought, a fundamental right that is now granted by item IV of *Article 5* in the 1988 *Constitution of the Republic*. In the words of Heleno Claudio Fragoso, the law, mainly due to *Decree-Law No. 898/69,* "adopted an intimidating and ferocious policy" (Fragoso, 1980, p. 15), by providing, for example, death penalty, or even when setting "minimum penalties entirely out of proportion to the severity of the harm done" (Fragoso, 1980, p. 15).

Together with the authoritarian inspiration of the *Institutional Acts*, these decree-laws were released with no *Congress* approval whatsoever. Thus, there was no "democratic legitimacy, not even formally speaking, not even in a Congress taken over by the whims of the Executive" (Fragoso, 1980, p. 14). There was not even the slightest aspect of a

minimally sound political context. Even though representativity in political-decision instances alone does not really represent the fulfillment of a good political life for the population, at that context, the lack thereof made the matter very far from legitimately granting national security in the period.

Instead, there were legal norms with very broad definitions, which could include several different "crimes" under one single law with not much hermeneutic effort, as *habeas corpus* was extinguished. Also, the national safety policies received no appraisal of any form of legislative or judiciary powers. Those *Institutional Acts* served to disseminate hate speech and political persecution. No wonder crimes as those described in *Article 39* and *Article 47* of the *Decree-Law 898/69*, as examples, could even have been conceived.

These examples are good to illustrate how the *Law of National Security* had the single purpose of suppressing the freedom of thought and expression with regards to political matters. *Article 39* of the *Decree-Law 898/69* described as criminal the action of "collectively stimulation toward law disobedience" (Brasil, 1969). In its original form, from *Article 33* of the *Decree-Law 314/67*, the penalty was of one to three years prison, with increasing penalties whether the defendant belonged to the press or means of communication. With *Decree-Law 898/69*, and the coming of *Institutional Act no. 5*, the penalty was ten to twenty years prison for that crime, which increased to fifteen to thirty years if the defendant was a member of the press or means of communication.

As for *Article 47* of the *Decree-Law 898/69*, defendants received the penalty of two to five years of imprisonment if they committed any of the crimes from *Chapter II*, or even if they supported the commitment or the authors of those crimes. There is no need to overthink it in order to see how the wording was well chosen, since the verb "support" could easily be distorted to any desired political situation. After all, even preparatory acts were punishable and, according to *Article 7* of *Decree-Law 898/69*, the basic concepts, which by themselves extended the scope of the rules too much, should inform the application of the norm: in the limit, the simplest

of conducts could be taken as a preparatory action for committing crimes against national security.

Those legal norms were too broad, it should be said once more. Every individual who hinted the slightest deviating behavior of a good, anti-communist, ordered, moralist citizen (as the *Institutional Acts* so described), was subject to the penalties of the *National Security Law*. This flexibility of laws, open to criticism in any political regime, seems to have risen in Brazil as a response to the indetermination of the enemy to be persecuted. But what it said for the citizens was that any political action in that State, there was an impression (or certainty) that everyone could be the enemy. Of course, this received the support of several sectors of civil society, as Aline Presot observes when examining the role of the so-called *Family Marches with God for Freedom* (*Marchas da Família com Deus pela Liberdade*) throughout the country. Her conclusion is that for a "more effective connection between the production and reception spheres of a certain discourse, it is necessary to match them to the symbolic goods of certain groups" (Presot, 2010, p. 89)[3].

The discussion hereby presented does not finish the debate around the *Institutional Acts* and the *National Security Law*, especially from a dogmatic point of view. Nor does it intend to fully analyze the pragmatics

[3] In this sense, alerting to the need to "overcome the comfortable dichotomies, the easy Manichaeisms" (Rollemberg, 2010, p. 133), Denise Rollemberg briefly maps the set of interpretations that seek to explain the country's re-democratization process, before developing one that, according to her reading proposal, could be the appropriate historiographic posture in the face of complex facts such as those that surrounded the 1964 coup and the end of the dictatorship: a posture that takes "these objects not exclusively in well-defined fields of for or against, but in what the historian Pierre Laborie called the gray zone [...], the place of ambivalence [...]" (Rollemberg, 2010, p. 102). In the same sense, when examining the work of Erico Verissimo and Isabel Allende in order to understand the role of literature as a field of resistance and memory, Gretha Leite Maia observes that "dictatorships do not install themselves overnight, that is, they do not erupt in the midst of economic crises or social upheavals, [...] they are events that simply give the opportunity to show these permanent and latent forces in a conservative and authoritarian society" (Maia, 2016, p. 387).

of legal application by jurisprudence of the norms during the years of dictatorship in Brazil[4]. We also did not focus on all the problems involved in an approach that takes the perspective of the microphysics of power relations[5] plotted in the "basements" of the dictatorship, which are no less important (and perhaps even more significant than what appears in the sphere of "legality").

Instead, this paper has the intention of highlighting the repressive trait of the laws from the period, especially the criminal norms from *Decree-Law 898/69*, as the ultimate expression of the state's pretension to annihilate deviating political opinions. The criminalization of divergent political thought, even in the simplest, daily actions, with severe penalties and the suspension of fundamental guarantees and several other clearly anti-democratic practices are the expression of the period's authority. It attempted to justify its actions on the image of a supposed communist enemy lurking in the imagery of the population. The *National Security Law* criminalized with the clear purpose of delegitimize the actions of a group of people who were politically undesired, individuals portrayed according to an image that intended to suppress the singularity of political action[6].

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4 Just to mention another specific point, related to the processing and judgment of *habeas corpus* by the Supreme Federal Court in the period, the Report of the National Truth Commission points out that the court behaved in an ambiguous way until the edition of *Institutional Act no. 5*, when it standardized its understanding in the sense of not examining the merits of filed writs against acts practiced in matters of national security (cf. Brasil, 2014, v. 1, p. 956).

5 The term is repeatedly associated with Michel Foucault's thought, but at times little clarified in its meaning. In the present context, its use is related to the methodological precaution that the philosopher claims to guide the course he gave at the *Collège de France*, from January to March 1976, published in Portuguese by Martins Fontes. It is about "making an ascending analysis of power, that is, from the infinitesimal mechanisms, which have their own history, their own path, their own technique and tactic" (Foucault, 2005, p. 36), in opposition to an analysis that makes a kind of deduction of power in its most diverse ramifications from an instituted sovereignty.

6 And literature, as usual, shows its singular sensitivity to apprehend, describe and interpret life. Let us remember how George Orwell, in his famous work *1984*, describes a totalitarian political apparatus that used propaganda and the imposition of fear by the image of this same enemy. Fundamental to the development of the novel, especially if we seek subsidies to understand this as constituted as the political domain, while permeated by an original indeterminacy, it is that even the sexual relationship between Winston and Julia, main characters of the text, in a context of absolute repression (including and perhaps mainly, corporal) was a political act, "a coup against the Party" (Orwell, 2009, p. 153).

Politically annulled, silenced, stereotyped, deprived of their uniqueness, criminals. In Saramago's novel, voters abstained from the blank vote was essentially political and legitimate: the reaction of the Capital Government, in turn, consisted of nullifying the political position of voters, treating them as degenerate, delinquent, subversive people, who were never seen as citizens. The writings of Saramago, always universal, has a lot to tell us about our past. As I propose, the action taken by those citizens was no less political and legitimate, since they protested and expressed their disagreement, sometimes even through the practice of a conduct that would be classified as a crime by the *National Security Law*.

3 DEGENERATE, DELINQUENT, SUBVERSIVE

Degenerate, delinquent, subversive. For the Government of the Capital, those were the main characteristics of the lucid voters of the blank vote protest, in Saramago's narrative *Seeing*. These names – not truthful, not exaggerate – bring a fundamental opposition in building up (or tearing apart) an enemy. The image of the enemy is what remains of the rarefied identity of individuals who, under conditions of democratic normality, act in the political sphere. This opposition is not just an image borrowed from a literary context: it reveals a very particular rationality.

Although it was clear evidence, the blank ballots plague, while disturbing the normal course of political life in the Capital, where the facts narrated by Saramago unfold, had never revealed the outlines of the enemy: "we do not know where the enemy is, nor do we even know who it is" (Saramago, 2010, p. 88). Only admitted on the condition that it would not be fully demonstrated, the existence of the enemy seemed to preserve the necessary ploy for the legitimation of an authority that, whenever questioned, faced the obstruction of what it considered to be the normal course of the political process. Refusing the spontaneity of the citizens' political position was necessary. A political shift could never have been thought of by the citizens of the Capital. It was overwhelming proof, on the

contrary, of the existence of an insane and irresponsible conspiracy to overthrow the constituted power.

For the government, the act could not have been legitimate, even if it were admitted that deliberate actions were in progress, practiced by free-willed people. Indeed, it was not acceptable that the constituted authority no longer had the support of the governed people. After all, the population would have to realize, at some point, that the life of the Capital could not go on without the ruling hand of an authority[7]. An agreement permeated political life, at least in the view of *ex parte principis*[8]: the popular "sovereign" power was perpetuated under the condition that the split between constituted authority and civil society (authority / obedience) remains unscathed. So the incorrect exercise of the right to vote, seen as the maximum expression of political participation in the eyes of the Government, violated the clauses of that supposed agreement

In the novel by Saramago, there is a link between these opposite ideas (political movement, treated by the Government as an expression of the absence of political awareness, and the enemy whose existence is taken for granted, but which, as never seen, is unknown). Perhaps it was a paradoxical attempt to hide the nonexistence of what does not really exist: an enemy, with the single purpose of reaffirming the need and the legitimacy of that authority built up in a time of crisis.

But perhaps it is possible to indicate another reading, suggested by the opposition between the conceptions of two characters, the Ministers of Defense and Justice, regarding the blank votes made by the citizens of the Capital. The former takes the events as a case of simple criminal rebellion.

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7 The strategy used to annihilate the subversives of the blank vote protest was, however, fruitless. The exerpt in which the cleaning workers stop wearing their uniforms is significant. In the novel, uniforms were the symbol of civil servants. These workers go to clean the streets as civilians after the Government leaves the Capital.

8 Bobbio, in *State, government and society: for a general theory of politics* (*Estado, governo e sociedade: para uma teoria geral da política*), highlights that this terminology can be used to distinguish different points of view in the treatment of issues investigated by political theory (Bobbio, 2007, p. 63). From the *ex parte principis* perspective, the vision of a specific matter is placed in the eyes of the government, while, if we consider the matter under the *ex parte populi* view, we can see the perspective the governed about the same problem. In the discussion of the relationship between subjects and the State, for example it is more important for government officials to indicate the fundamentals of the duty of obedience, whereas for the governed the focus is to structure the bases of the right to resistance.

The latter, as a legitimate exercise of a right of the voters[9]. If we consider for a moment the opinion of the Minister of Justice, we can understand the cunning strategy employed by the government as a plot to strip the actions of the citizens of their meaning. By invoking the stereotype of this invisible enemy as a supposed obstacle to the nation's democratic process, the Government intended to undermine the meaning of the movement unleashed by the governed. The declaration of a state of siege, the apotheosis of the fight against the invisible enemy, sparked war against civil society itself.

There are countless aspects to consider in relation to the use of the penal apparatus as a strategy for selecting and eliminating enemies. A very brief look at the discussions developed in the field of intersection between criminal law and criminology can help in the task of drawing a rather schematic panorama before proceeding. For our purposes, it is worth briefly recovering a historical example that shows how the criminalization of some behaviors is instilled with the only drive of removing those individuals who are considered harmful to society. In the words of Eugenio Raul Zaffaroni, it is about the creation of an "enormous normative stereotype" (Zaffaroni et al., 2011, p. 515) that guides state practices. According to the author, one of the works from which one of the first and significant examples of a penal ideology is extracted dates from the fifteenth century. There, the legitimation was based on the construction of an image that stripped the human beings of their uniqueness, framing them in a typology of delinquency.

Malleus Malleficarum was an intellectual instrument that served the purpose of elaborating the image of the subject who should be annihilated from society. Woman, who was subdued and stigmatized for having what was conceived as a "genetic weakness", would give herself up to the so-called heretical practices not so much because she wanted to do it, but because she was unable to act otherwise, due to a predisposition of

9 "There is another way of understanding things, Which, That the inhabitants of the capital, in unleashing the rebellion, I suppose I am not exaggerating by calling a rebellion what is happening, were therefore besieged, or surrounded, or harassed, you should choose the term that suits you best, so I am totally indifferent, I would like to excuse myself to remind our dear colleague and the council, said the Minister of Justice, that the citizens who decided to vote blank did nothing more than exercise a right that the law explicitly recognizes so [...]" (Saramago, 2010. p. 61-62, translated).

her own gender. Among the theoretical elements of the criminological analysis contained in the *Malleus Malleficarum*, are the postulation of "the inferiority of criminals and the consequent superiority of the inquisitor" and the "characterization of the crime as a sign of inferiority" (Zaffaroni et al., 2011, p. 514). *Malleus Malleficarum* offers rich testimony to this long-standing link between criminalizing certain actions and building an enemy stereotype.

With an essentially political aspect, in the case of Brazil, as Paulo Eduardo Arantes observes, it is like a "metastasis of the punitive power that had begun to shape the Brazilian exception state that then was dawning" (Arantes, 2010, p. 206)[10]. This state of exception, according to recent theoretical views on the so-called criminal law of the enemy, was instrumentalized in Brazilian territory by the *National Security Law*. Indeed, no problem was seen in the fact that it denied certain individuals the status of persons, treating them as lost causes, as criminals who are in a different category of other citizens, such as enemies "who are fought due to their dangerousness" (Jakobs and Meliá, 2009, p. 36). As Salo de Carvalho recalls, for these individuals who are the "object to be eliminated", who are "objectified by the dangerous stigma, human rights cannot and should not be guaranteed" (Carvalho, 2008, p. 123).

Carlos Fico, professor of Brazilian History at UFRJ, gave the title of *The State Against the People* (*O Estado contra o* povo) to one of the chapters of the book *How They Acted* (*Como eles agiam*). It is curious how the chaotic institutional picture portrayed in Saramago's novel matches the description given in the title given to this chapter of the professor's writings. After tracing an overview of the great systems that sustained the coup (censorship, propaganda and repressive apparatus, SISNI, SISSEGIN and the CGI Systems), Carlos Fico mentions the role, for example, of the media against students and teachers. He thus demonstrates how the mass arrests, mainly of that former group, under

[10] This very particular characteristic of dictatorial regimes is not, of course, exclusive to the Brazilian case. Diogo Valério Félix recalls that the Nazi state systematically promoted, within the normative sphere, the "legal depersonalization of Jews" (Félix, 2018, p. 232). José Eduardo Douglas Price makes the same observation when examining the Argentine dictatorship, noting that this process, "by excluding living beings from the category of citizens, deprives them of that right that seems untouchable: that of life itself" (Price, 2018, p. 29).

the allegation of committing acts of agitation, had as a background the labeling of individuals, either as easily suggestible individuals, or as great articulators. Teachers, treated as "leftists", should be silenced (Fico, 2001, p. 189).

In the last chapter of the book, when "sentencing" the military regime, Carlos Fico states that one of the dictatorship's lines of action, in the symbolic field, consisted of building "an identity of 'them', that is, us – the people, imposing labels, such as subversive, corrupt, useless innocents, or cowardly" (Fico, 2001, p. 218). This view seems to indicate a more constructive effort, that is, the elaboration of an identity for the subversive individuals. Perhaps a different, but complementary, approach can be mobilized at this moment in order to apprehend what is typical of this movement, an approach that seeks to emphasize the activity of deconstructing the political identity of citizens.

According to Vladimir Safatle, it is characteristic of totalitarian regimes that real violence is accompanied by "violence of symbolic elimination" (Safatle, 2010, p. 238), the elimination of one's name. It is not just a matter of "ordering someone's arrest, ordering someone's disappearance as a State policy" (Arantes, 2010, p. 207), even though mechanisms that operate outside the established legality, as with *Operation Bandeirante* (Oban), "organism specialized in 'combating subversion' by all means, including by systematic torture" (Ridenti, 2000, p. 41). Opponents are no longer treated by the names that identify and distinguish them among other individuals, but by a "'unpronounceable designation' that aims at isolating one in isolation with no return" (Safatle, 2010, p. 238). It is the written off enemy, the "unspeakable one, whose voice, whose demand embodied in their voice is no longer the object of any further reference" (Safatle, 2010, p. 238). It is the loss of one's name that "sanctions the symbolism of power and domination, a sign of assurance over one's body that, immediately, is depersonalized, to become an object" (Lima Junior and Hogemann, 2019, p. 77). The blank ballots plague that politically "destroyed" the Capital, in the eyes of the Government, could "evidence" the only enemy, always unknown, without a name, never seen as an actual, legitimate political action.

The elimination of identities is the result of a perverse political rationale. Plurality, as an intrinsic condition of humanity, is based at the same time on the possibility of levelling and distinguishing the different singular individuals that make up the whole. Because they are equal, human beings understand each other as beings of the same species, with similar physical and biological needs. Because they are capable of action and speech, human beings show how unique and different they can be from each other.

For Hannah Arendt, amidst this "plurality of unique beings" (Arendt, 2010, p. 220), it is because they are distinguished from each of their peers that these beings become human. It is like a "second birth" (Arendt, 2010, p. 221), through which the individual is inserted in the domain of human affairs and can then trigger new causal chains capable of subverting the "overwhelming possibility of statistical laws" (Arendt, 2010, p. 222). The action materializes the capacity for creation, which is inherent to the human condition; speech reaffirms the individual's uniqueness in the public space.

Among all the experiences lived by human beings in their earthly existence, it is those related to action that define life in the political sphere. It is true that countless other human activities are of fundamental importance for the subsistence of this singular being, but it is through action that its existence, amid the plurality of similar ones, becomes eminently political. Action is revealing of the agent in the world, in a properly political way; the gathering of individuals among themselves, through action and discourse, ends up constituting the plexus of human relations, this set of actions and words that concern the matters of the world we live in.

An action within the scope of human affairs must reveal its author. The individual expresses their uniqueness when they place themselves before their peers through an action that is capable of modifying the mechanical course of the world. In the absence of this possible unveiling, the action loses the quality that distinguishes it from the other results of the other areas of the *vita activa* (work and creation). According to Hannah Arendt, the capacity of action results from the plurality of people, differently, for example, from work, which consists of an activity resulting

from the organism's natural biological cyclical processes (to satisfy basic needs, for survival itself). It is also different from creation, through which people make an artificial world other than the natural one. In the last two cases, Arendt claims that the relationship with a similar other is unnecessary, and interaction with nature that surrounds the individual is sufficient. Plurality, ruled by equality / distinction, is "the condition – not just a *conditio sine qua non*, but the *conditio per quam* – of all political life" (Arendt, 2010, p. 9).

To suppress the identity of the one who speaks and acts is to suppress action and discourse, and, thus, it is to undermine the capacity of interference in the domain of human matters and the conditions for political action. It is to affirm not a "who" responsible for the action, but a mechanical "what" (a degenerate, delinquent, subversive one), causally determined, inhuman and, therefore, repulsive. The "nihilism", or the "nothingness" that permeates the ephemeral existence of the "unspeakable" (Safatle, 2010, p. 238) is, rather, a "nothingness" from a political point of view, a being whose behavior is taken as just one of the mechanical variants in the world. An existence whose most fundamental condition – that is, the condition of being a unique human being, with an identity, capable of inaugurating new courses of action – is suppressed in a hideous way. Thus, to choose enemies is the same as to shatter identities. It is a question of stripping the individual from political identity, of relegating one to a condition of institutional marginality: the dictatorship made great use of this technique, extensively criminalizing the conduct of this select group of enemies, under the rule of "principles" gathered in the *Institutional Acts*.

It is no surprise that this happened in a context in which the national security ideology prevailed. As Renato Ortiz puts, the presence of this totalizing state is observed not only in the political sphere, but in the cultural environment, through the propagation of "authoritarian thinking and the controlled stimulus of culture" (Ortiz, 2011, p. 85), with the consequent "standardization of the cultural sphere" (Ortiz, 2011, p. 85) through which the aim was to define which cultural expressions were admitted or not in the period.

It is essential, even today, to think about the relationship between the image of the enemy and the strategies of criminalizing actions, as a mechanism that allows to eliminate the identity of political actors and to select the enemies that should be hunted and removed from the cohabitation with others. The challenger was one who must be silenced, who must be nothing from a political point of view, whose actions were illegitimate precisely because they were typified as crimes that offended the "current order", an attempt against the "revolution" triggered by the *Institutional Act no. 1*.

With Saramago, and the facts that led the Government of the Capital to persecute the blank ballot voters, it is sufficiently clear that we must consider something else: the conception of this curious figure, fruit of the identity deconstruction of individuals whose actions were undesirable and, for this, must be eliminated. The *National Security Law*, under the rule of the *Institutional Acts*, was, during the Brazilian dictatorship – somewhat similarly to the fiction work by Saramago – the normative vehicle that materialized one of the main mechanisms of political persecution of dissidents: the enemy to be eliminated, without a doubt, was political; our plague, however, was red.

4 CONCLUSION

The analysis of the provisions in the *National Security Law* and the *Institutional Acts* started this paper. They proposed the criticism of the anti-democratic traits of the legislation in force during the Brazilian civil-military dictatorship. This criticism had the most immediate intention, which really matters at the historical moment we currently live in Brazil, to dismantle common attempts of legitimizing State acts, from a period that cannot escape the memory of a country whose re-democratization is, even today, a work in progress.

The first five *Institutional Acts*, as well as some of the penal rules in force in the period in question, are taken together as an object of analysis, since they make explicit the use of criminalization strategies that aim at the withdrawal of effective political participation, through eradicating the identities of those considered to be enemies. The ever-present background is filled with repression, individually and socially, established in a context

of constitutional guarantees suspension, and systematic persecution of political opinions that seemed contrary to the desirable ones. In the novel *Seeing*, Saramago reminds us of the fundamental role that institutional settings, clearly represented in the figure of the Capital Government, play in this process through which a depersonalized image of the enemy is conceived.

But the novel also compels us to reflect on the conditions for the flourishing of healthy political environments, which requires full freedom of individual expression and the coexistence of worldviews that can be different, and, at times, divergent. It is necessary to guarantee mutual recognition, always respectfully and reciprocally, among these beings who have in common precisely the fact that they are unique. The suppression of one's name is the suppression of the individual, the erasure of the characteristics that mark the difference between human beings and mere mechanically conditioned objects, which could be disposable according to the current interests. To build the image of the enemy is to destroy their name and, with that, the fundamental conditions for the valorization of human existence, in politics and in its most varied expressions. It is the moment when the voters of the blank ballots leave the position of citizens who lawfully exercise a political right and become degenerate, delinquent and subversive.

This paper explicitly assumes a perspective, as stated at the beginning: the Brazilian civil-military dictatorship abdicated any commitment to the construction and maintenance of a structure that could guarantee citizens with full political existence. It completely ignored the duty to value political plurality, a principle that today the 1988 *Constitution* (Brazil, 1988) protects.

As Safatle states, when considering legitimate the acts of resistance perpetrated in the face of dictatorial regimes, "the legality of each and every State is linked to its capacity of creating institutional structures that are able to carry out the social experience of freedom" (Safatle, 2010, p. 246). The Brazilian dictatorship, as it is always necessary to repeat, by creating the image of an enemy, set in motion a process that aimed at establishing opposed conditions opposed to those required so that this kind of experience, especially in its political expression, could be lived out.

This scenario of barbarities was made up, to list some examples, by the doctrine of the so-called communist enemy, the suppression of rights, the enactment of "laws" and provisional measures in spite of the democratic process, the criminalization of opinion and, not least, the elimination of external control policies of the Executive Branch in relation to acts that were performed based on the *National Security Law*. All for the sake of the coup d'état.

This coup demonized any discordant political thought, and was supported by normative instruments that, by criminalizing the undesirable, legalized the persecution of this enemy without identity. It is not surprising that Saramago's work, with unmistakable richness and a well-known universal character, can always illuminate our reflections, in the perspective of moving towards the construction of an increasingly plural political environment. However, circumstances impose us the task of looking at facts from our recent past, not only with the purpose of keeping the history of our young democracy in vivid in memory, but because of the well-founded fear of possible setbacks that have been announced, so this is something we should take more seriously. With Saramago, then, let us fight for the opportunity of *seeing* a flash of lucidity.

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