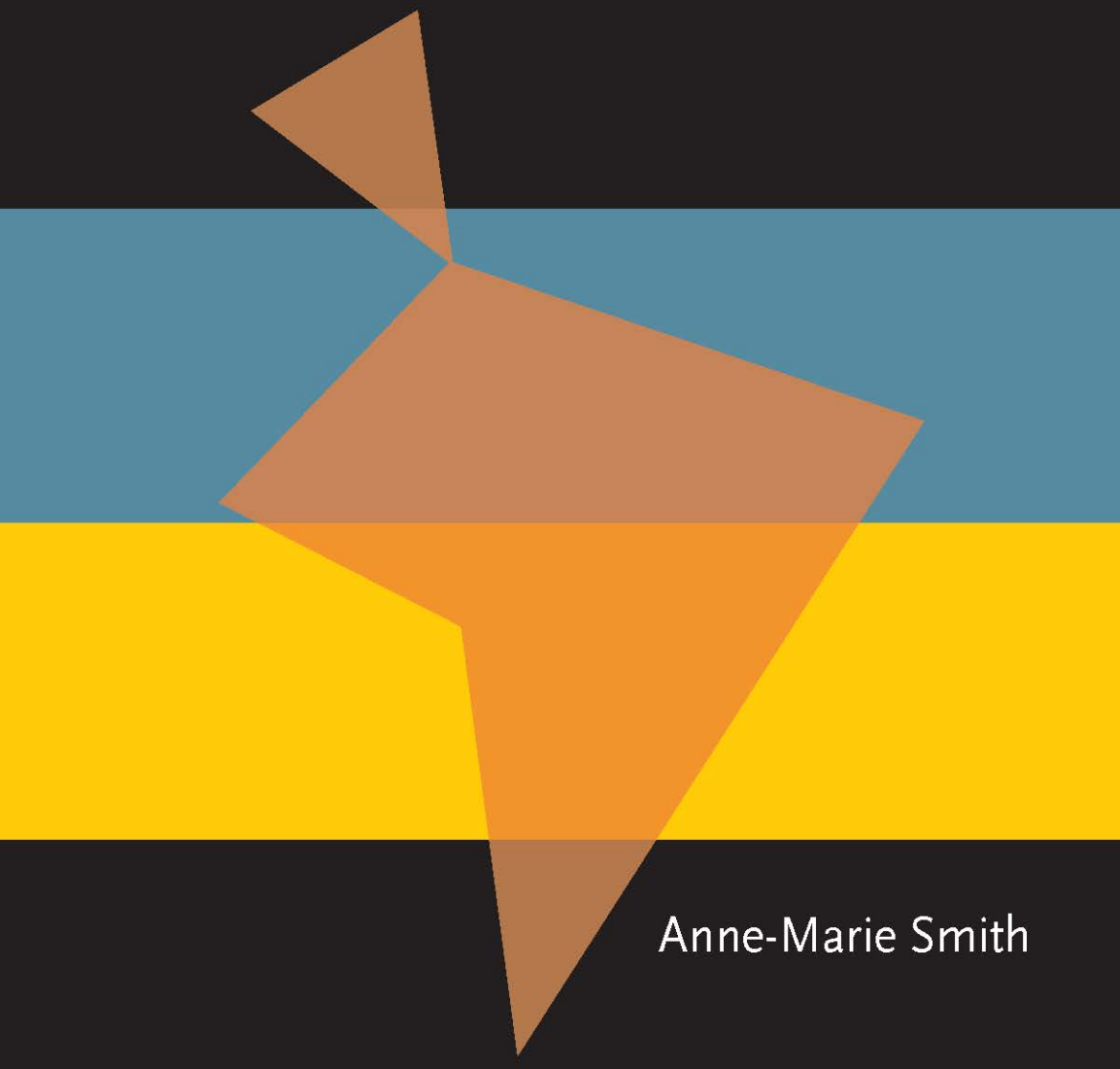
A Forced Agreement

Press Acquiescence to Censorship in Brazil



Anne-Marie Smith

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ANNE-MARIE SMITH

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A FORCED AGREEMENT

1

EVERYDAY FORMS OF QUIESCENCE

The federal censor prohibits the dissemination of the speech of the Majority Leader, Senator Filinto Muller, denying that censorship exists in Brazil.

Federal Police orders delivered to the Jornal do Brasil, *Rio de Janeiro, September 19, 1972*

REPRESSION TAKES MANY FORMS—some more direct than others. At times it is practiced in as convoluted a manner as is suggested by the order quoted above, in which Brazilian federal authorities prohibited the legally free press from publishing the news that a progovernment senator had denied that state censorship was exercised in Brazil.

Responses to repression also take many forms. At one end of the continuum, collective rebellions or full-scale revolutions occasionally threaten the state. More limited but still direct confrontations may challenge particular state practices. Further along the continuum is the more common practice of "everyday forms of resistance." These are the small acts of sabotage, petty theft, and foot-dragging that accompany overt compliance but suggest what James Scott calls a "hidden transcript" of rejection beneath a surface acceptance of a system of domination.[1]

Different forms of resistance arise from a mix of factors. These include the resources of the victims, their history, potential alliances, organizational capacities, and material wealth. Other factors are the strength of the repressive agent and the manner in which repression is exercised. The interaction of these factors and of unplanned opportunities also affects the form of resistance.

Another possible response to repression is acquiescence or assent to dom-

ination. Acquiescence also flows along a continuum, from endorsement of repression and apparent consent, to playing the rules to one's own benefit, to what might be termed *everyday forms of quiescence.* The latter is a pattern of daily acceptance of repression, compliance with the rules, and performance of expected behavior, but without necessarily according any legitimacy to the system of domination.

Acquiescence to repression is never transparent.[2] Does it represent actual consent, false consciousness, rational calculation, or perhaps paralyzed fear? What is the role of power in generating and maintaining a pattern of quiescence? How does the politics of domination play out in what appears to be a culture of quiescence? There are many ways to frame a study of acquiescence to repression. This examination of press censorship in Brazil will focus on how repression was exercised and on the impact of repressive state practices in generating press responses.

The censorship of the press in Brazil was practiced in a peculiar manner. Under the 1964–1985 military regime, and particularly in the period from 1968 to 1978, censorship of the press in Brazil took several forms, all illegal, concealed, and denied. The predominant mode of censorship, to which the vast majority of the press was subject on a daily basis for many years, consisted of news prohibitions issued secretly by the Federal Police. This practice was euphemistically known as "self-censorship."

The most distinctive attribute of this system, in addition to the multiple contradictions of being an illegal state-administered system of "self-censorship," was its routinization.

Every aspect of the censorship was highly regularized. Delivery of the orders followed a rigid pattern. Unsigned news prohibitions were brought by uniformed police officers to individual publications. These orders were never left behind, nor were photocopies permitted. Rather, their content had to be transcribed by a representative of the publication, who then also had to sign a prepared form acknowledging receipt of the prohibition. The language of the orders themselves was notably repetitious and officious and used ornate legalistic formulas. In this mundane and all-encompassing system there were no direct confrontations with authority. The system functioned smoothly, neatly, automatically.

Press compliance was virtually complete. For years press actors accepted these illicit prohibitions, signed for them, recorded them, circulated them to the correct editor, and then eliminated coverage or investigation of the prohibited news item. In the few instances where a more confrontational method of censorship was attempted, there were creative and energetic efforts on the part of the affected press actors to challenge, condemn, and reject it. But for the vast majority who were subject to the anonymous,

banal, bureaucratized routines, there was ongoing daily compliance and everyday forms of quiescence.

What accounted for this quiescence? Beyond the proximate causes related to immediate resources or opportunities were two possible overall orientations of the press: support for the regime, which led the press to endorse even its own repression; or so great a fear of the regime's coercive power as to paralyze the press and prevent it from considering any rejection or resistance. Either of these would initially appear to be a reasonable account of the quiescence, but neither proves satisfactory.

Many in the press did indeed support the military regime's anticommunist, antiguerrilla, procapitalist defense of the existing order. But they also had an interest in their own professional and institutional autonomy, as well as commitments to legal and moral norms, and this prevented them from supporting the press restrictions. Indeed, even ardent supporters of the regime expressed their disgust with the censorship. They considered it an illegal farce and an immoral imposition. They tolerated and complied with the prohibitions, as did the rest of the press, but did not consider this system to be legitimate or appropriate. Their compliance with the restrictions did not grow out of their support for the regime. At no point did their support for the regime lead to an endorsement of these restrictions on their own freedom.

Fear is another reasonable explanation. This is what I expected to find when beginning my research on the press under the 1964–1985 Brazilian military regime. This regime, like other bureaucratic authoritarian regimes in Latin America, practiced state terror and generated fear within civil society. The evidence, however, does not substantiate fear as the basis for press quiescence.

Fear was indeed present among press actors, and at particular times an extremely relevant factor. But it was not a consistent or predominant experience for most. The actions and commitments of members of the press during those years (in writing for the few publications under more direct and invasive forms of state restriction, in founding alternative publications even in a repressive climate, in joining press collectives or unions, and even in beginning careers in journalism at all), as well as their reflections afterward, suggest that fear was present but not determinant or central. While the press in Brazil was often fearful, it did not suffer from a culture of fear. Fear did not leave press actors utterly silent, hopeless, isolated, or paralyzed into passivity.

The research suggests, rather, the paramount importance of the way the censorship was conducted in generating press acquiescence. With its set procedures and formulaic language repeated daily, censorship was a banal

routine. Having no observable responsible agents, it seemed to function automatically. Indeed, the censorship's banality was the primary aspect experienced by the press. Censorship was perceived as a mundane and all-encompassing system that seemed to operate automatically, impersonally, and comprehensively. It was against this anonymous, routinized, all-encompassing system—and not against the raw coercive power of the regime—that the press felt powerless.

Why was this the manner in which the military regime practiced censorship? It could have been much more overt, coercive, public. Why did it go to the lengths it did to disguise and deny the censorship, and why was this practice so routinized? The answer is that the imperative factor was the regime's desire for legitimacy. Despite being an authoritarian regime that aimed at social control, it also sought political legitimacy. In that varied and sometimes contradictory pursuit, one potential basis for legitimacy was the maintenance and protection of traditional institutions and legal forms. The regime, for example, purged but did not close Congress, passed Institutional Acts that violated the Constitution but nonetheless did not discard that document, and sought many ways to manipulate but still continue to hold elections. In its treatment of the press, it claimed that freedom of the press was constitutionally protected and denied the existence of censorship, while issuing daily news prohibitions. The procedures and language of the restrictions, moreover, mimicked proper legal forms whenever possible. In part because of this pursuit of political legitimacy on the basis of correct and constitutional practice, the regime conducted its censorship in a notably bureaucratic, formalized, officious, and routinized way.

The particular form taken by the "self-censorship" was not a result of a conscious plan to design a system that would operate in this way. Rather, the routinized shape of the system was a by-product of the pursuit of legitimacy.

The regime did not achieve its goal. The press complied with the restrictions, tolerated their imposition, and felt notably powerless to act against or even evade them. Nevertheless, it considered them illegal, immoral, and temporary. While the routinization and mimicry of legality did not produce the desired result of legitimacy, it did help to generate a press reaction that was also functional for the regime: everyday forms of quiescence.

To explore this episode of quiescence, this book begins by establishing the context, exercise, and experience of censorship under the military regime. Part I presents the historical and institutional context. Chapter 2 reviews the history of press-state relations in many different periods, from the colonial to the bureaucratic authoritarian. Chapter 3 focuses on the 1964–1985 military regime itself, explaining the features that were most relevant to its relationship with the press and to censorship. Chapter 4 is an

account of the press as a whole at this time, including an analysis of both the mainstream and alternative press.

Part II addresses the full range of state restrictions on the press. Chapter 5 documents the myriad forms of harassment of and restriction on the press other than censorship, from the imposition of licensing requirements and petty restrictions to the withholding of advertising and the torture of journalists. Chapter 6 looks, by way of example, at two cases of the significant but rarely applied "prior censorship" under which, for the seven or so affected organizations, all materials had to be submitted to the police before publication. These cases involved the *Estado de São Paulo,* a mainstream publication, and *Movimento,* representing the alternative press. This chapter also examines the condemnations of and challenges to prior censorship mounted by those subjected to it, which were in marked contrast to the passive compliance of publications operating under "self-censorship." Chapter 7 then documents the operation of the system known as self-censorship, including its bureaucracy, procedures, and efforts to ensure compliance, as well as the content of the news prohibitions.

In Part III, chapter 8 uses interviews and historical records to consider the perspectives of both state and press actors directly involved in the censorship. It presents voices from the mainstream and alternative press, from Congress, and from the police (the latter ranging from lower-level functionaries who conducted the censorship to the federal police chiefs who commanded them). This chapter assesses the experiences, excuses, and anxieties of the press and the justifications and rationalizations of the state.

Drawing upon all of this material, chapter 9 examines three explanations for quiescence—support, fear, and routinization. It finds no evidence that support for the regime led the press to endorse its own repression. And fear, while present, was not sufficiently predominant to produce the paralysis of a culture of fear. Rather, accounting for this particular case of quiescence in the face of domination requires attention to the particular ways that that domination was practiced. In this case, the paramount feature was routinization resulting from the regime's pursuit of legitimacy, which was not counterbalanced by any attributes of the press. Such a system left the Brazilian press practicing everyday forms of quiescence even while it never considered the censorship to be legitimate.

I

THE CONTEXT OF CENSORSHIP IN BRAZIL

2

HISTORY OF PRESS-STATE RELATIONS

FOR THE PRESS, as for every other social actor in Brazil, a relationship with the state is fundamental. Whether the immediate issues are financial, regulatory, legal, or political, the state and press are unavoidable interlocutors. The point of examining press-state relations in Brazil, then, is not to measure the degree of press autonomy from the state and declare the Brazilian press to therefore be "strong" or "weak" vis-à-vis the state. In the Brazilian context, where distance from the state is impossible for all social actors, the task is rather to examine the press-state relationship specifically and to explore its quality and dynamics.

In Brazil there has never been a golden age of complete press autonomy from the state, either in some long ago glorious epoch or in any recently evolved progression toward liberal freedoms. At no point has the freedom of the press been completely respected or truly substantial. It is thus not unexpected that there was no grand confrontation and demand for absolute press freedom in the most recent authoritarian period; but nonetheless, the exact nature of the accommodation or daily resistance was not predetermined. The following examination of press-state relations in colonial times, during the years of the Republic and the Estado Novo, and into the modern period will help make sense of the form that the relations took during the 1964–1985 authoritarian period.

THE STRUCTURE OF PRESS-STATE RELATIONS

The state in Brazil is extensive, interacting with society in many ways. New channels are always being created and old modes of action are rarely

retired. The press for its part is unavoidably a major economic entity as well as a politically volatile actor made up of very diverse publications, which despite their common concerns have never displayed great unity. The press and the state have historically been closely entwined, influencing one another although never comparable in power.

The State in Civil Society

The state in Brazil has been thoroughly involved in almost every part of the nation's economic development, social organization, cultural practices, and political structures. Indeed, a major theme in Brazilian historiography concerns the precedence of the state over the nation and the role of the state in creating civil society.

Brazil's federal government has invested heavily in or otherwise been active in many areas of the economy, including the energy, steel, petrochemical, transportation, and banking sectors. Federal policies have led to important changes (or to stasis) in the agricultural sector, from massive price supports for coffee in the early twentieth century to the fiscal incentives of the 1970s for expanding commercial agriculture into the Amazon region. State protection of industry during the phase of import substitution industrialization was key during the 1930s to the 1950s, as was the state's promotion of exports during the 1970s and 1980s. In Brazil, as elsewhere in Latin America, the government has sponsored investment as part of a three-member partnership consisting of the state, the national bourgeoisie, and foreign capital.[1] Patterns in the nation's economy thus cannot be understood without full attention to the state as well as to various private actors.

The state has likewise been deeply involved in the organization of civil society. Governments have created institutions and structures to manage change and conflict, and have created clienteles who pursue state resources and operate under close state supervision and tutelage. The Brazilian labor movement is a classic example of the state's shaping of civil society. The government's extensive power has been exercised through labor courts, veto power over union elections, interventions in unions moving toward opposition, and collection and distribution of dues. The corporatism of the Estado Novo was the apogee of this involvement, but corporatist policies were not abandoned with the demise of that regime.[2]

In politics, the state has substantially manipulated the structure of competition. This has included outlawing certain political parties, suspending elections, canceling electoral mandates and individual political rights, and changing the laws that govern political campaigns. Those in power are always involved in defining not only the rules of the game but also who is permitted to play. This is certainly not unique to Brazil, but it is an important characteristic of its governance.

Even in the cultural realm, often assumed to be a locus of popular autonomy, the state has had a profound impact. It has been instrumental in determining when a social activity is transformed from a punishable crime into subsidized popular culture, as in the case of spiritist religions, Carnaval celebration, and the martial art of *capoeira*. The state was a key actor in the transformation of Carnaval from an illicit popular festival to an organized tourist attraction, with rules for the composition of samba lyrics, standards for judging music and dance, and time limits and content requirements for the parades. Even in their celebration of Carnaval, a supposed period of great license and freedom, Brazilians are not detached from the state.[3]

In this context of state involvement and precedence, capturing the favors of the state—whether in the form of loans, protective tariffs, exclusive recognition, legalization, or promotion—has been an important strategy for business, agriculture, labor unions, party activists, and even artists, women's groups, and cult leaders. From infrastructural investment to norms for legal strikes to samba lyrics, the state is relevant to all activities. Everyone has a stake in the state in Brazil; to operate in Brazil is to relate to the state.

Relations between state and society have not been a one-way street nor have they been static. While the state has provided important subsidies to economic activity in Brazil, it has also placed tremendous burdens upon it. The same business sectors that have clamored for state support and protection have also at other times demanded freedom from interference. Corporatist organizations created to exert control over civil society have been known to get out of control.[4] Officially sanctioned cultural messages can be reinterpreted to highlight their subversive content. Political alliances shift with opportunism or changing commitments. These are patterned but volatile relationships, subject to change through reorganization or through formulation of new identities or ideas. Likewise, the press has at times been an ally, at times an opponent of the state. The press has occasionally been a tool of the state, but it has also influenced and even toppled governments. The dynamic of press-state relations proceeds on several levels.

Multifaceted Press

The press in Brazil interacts with the state on more than one level because the press itself is a multifaceted entity. It is an economic actor as well as a sociopolitical one, and tension exists as a result of these dual but not necessarily complementary identities.

Most of the major press publications in Brazil are privately owned, profit-seeking enterprises. They are directly linked with other communication media as well as other business sectors. They aim to increase sales and advertising revenue, hold costs down and improve productivity, and expand their net worth.

Yet the press in Brazil also maintains a goal, if insufficiently realized, of being a social forum. It views itself ideally as performing an important civic role by providing information, debate, and commentary. In exercising this role, the press sees itself and is seen (at least rhetorically) as essential to responsible citizenship and democratic participation.[5] Though many members of the press express a deeply cynical view of its capacity to fulfill that mission adequately, nonetheless it has not exorcised that expectation.

Members of the press are thus recognized as both private entrepreneurs or employees as well as public servants whose activities are essential to the common good. Freedom of the press is seen not only as an end in itself, as a manifestation of freedom of expression, but also as a guarantor of many other political rights and responsibilities. As both a business enterprise and a political forum, the press interacts with the state on multiple fronts. In tracing press-state relations, it is necessary to look at these multiple fronts and to be aware of the tension that their multiplicity creates.

State-Press Interaction

In the economic realm, the press has sought substantial loans for its business ventures as well as permission to import equipment and newsprint. Any newspaper owner pursuing a concession in another medium, such as for a radio or television station, must also appeal to the state.[6] Further, because the state itself is a major economic actor, it maintains a substantial advertising budget that is often crucial to the economic viability of newspapers. These are among the sources of the press's economic dependence upon the state.

The press does have other economic resources. These include press owners, investors, and advertisers. While defending its own business interests, generally shared by either the national bourgeoisie who are its owners or the international corporations who are among its advertisers, the press has at times mounted important opposition to state economic policies, such as the nationalization of petroleum resources in the 1950s and the attempts at "basic reforms" by President Goulart in 1963–1964.

In the political realm, the state has also been notoriously involved with the press. This has included direct censorship, refusal to disclose information, onerous press laws, harassment or courting of the press, creation of propaganda departments, bribing of editorial writers, and planting of misinformation. The state has frequently sought to use the press as a means to influence or control society.

The press has also managed at times to influence or pressure governments. Its attacks on President Vargas in the 1950s were instrumental in the collapse of his administration and his suicide, and the press was also very important in delegitimizing President Goulart in the period preceding the

1964 coup. As a political actor itself, the press may be available for alliances with opposition or subordinate factions within the state. If the press has sometimes been the tool of the state, it has also been a partner in alliances against the state.

Whether measured in terms of financial ties, political machinations, direct regulations, or more subtle manipulations, the state and press in Brazil are deeply, though asymmetrically, intertwined. This has been the case throughout the history of the press in Brazil. The practices and institutions that shaped press-state relations in the 1964–1985 period had been established over many decades. The historical overview in the next section reveals some precursors to the rationalizations and debates of the 1964–1985 period.

THE EARLY PERIOD

State censorship in Brazil began with the first exercise of the press.[7] In 1808 the Portuguese royal court fled Napoleon's armies and transferred itself to Rio de Janeiro, bringing both the first printing press in the colony and the first set of press regulations. Nothing could be printed without prior examination by the royal censors, and no statements against the government or against religion or good morals were allowed. The censorship orders that have been preserved from the early nineteenth century eerily parallel prohibitions of the late twentieth century. In ordering the confiscation of the *Correio Brasiliense* in 1809, for example, the royal court pointed to that newspaper's criticisms of the government as well as its "political venom and falsehood which may deceive simple and ignorant people."[8] Protection of the vulnerable—particularly those who are vulnerable because of their simplicity—occurs again and again in Brazilian history as a justification for state coercion of a subgroup. The rhetoric emphasizes a relationship of benevolence and protection, precisely at the moment of coercion. At issue is whether the state is coercing the press as a genuine attempt to protect the simple, or coercing the simple by denying them information and a forum for their views. Rather than educating the simple or debating the press, the state destroys or disciplines the critic.

With independence in 1822 the situation of the press—like that of the slaves, the elite, and the agricultural economy—seems to have changed very little. That same year the Council of State passed measures to protect the government from "incendiary and subversive doctrines and disorganizing and abhorrent principles"—language again echoed by the 1964–1985 regime in its justification of censorship.

State pressure aside, the press in this period was by no means necessarily a good citizen or public servant. The nineteenth century was the heyday of the *pasquims,* satirical lampoons in broadside or pamphlet form. Much press