



RESEARCH ARTICLE

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MEMORY AND CORRUPTION IN THE COLLOR DE MELLO CASE: THE JUDGEMENT OF CONVICTION AS AN EXPRESSION OF JUSTICE OR VENGEANCE

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ABSTRACT

In this essay, we present results of the research developed in the ambit of the Research Group on Discourse Analysis (Grupo de Pesquisa em Análise de Discurso, or GPADis). We discuss the issue of corruption, both in relation to memory and vis-à-vis the act of judging, articulating the categories abuse of memory, sense of justice and spirit of vengeance. For this purpose, we turn our attention to the analysis of the case of former Brazilian President Fernando Collor de Mello, known as the Collor case, which can be considered paradigmatic in the conjugation of certain elements that evidence the functioning of the aforementioned concepts. The process of conducting a further analysis of this case is justified by the need to understand how the act of judging functions in contexts of abuse of memory, and also how this ultimate act of a judicial procedure can serve the purposes of justice or vengeance.

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INTRODUCTION

In this essay, we attempt to answer two questions: I) To what extent has the memory effect produced by media spectacularization influenced the result of the trials related to the Collor case in the judicial and political instances? II) Considering the context of abuse of memory in which the trials for the corruption offenses in the Collor case were enacted, have the judgments of conviction rendered actually served the purposes of justice or vengeance?

We propose, as a general objective, to analyze how the memory effect and the justice effect produced by the act of judging have influenced the result of the Collor trials by the Federal Congress and by the Federal Supreme Court, considering the context of media spectacularization in which they were set. More specifically, we aim to: I) analyze the theoretical formulations relating to corruption, focusing on its judicial-legal concept and the respective relationships it

establishes with: the abuse of memory, the discursive memory, media spectacularization, the sense of justice and the spirit of vengeance; II) analyze *Veja* magazine's discursivization of Fernando Collor de Mello's trajectory, marking the different moments and meanings attributed to the sequence of events; III) reflect on the differences between the political and judicial instances whereby Collor was prosecuted, and how these differences were expressed in the act of judging and in the very results of the legal proceedings and trial practiced in both spheres.

MATERIALS AND METHODS

We employed the technique of documentary analysis, selecting a set of texts and images of certain editions of the weekly magazine *Veja* as the discursive corpus. The selection of editions was made adopting the following approach: 1) Access to *Veja* magazine's website, which holds an online archive; 2) Taking other researches as reference, we delimited the search for editions published in the period between August 1987 (which includes the first article featuring Fernando Collor de Mello) to December 1994 (when Criminal Action 307-3/DF

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was tried); 3) The selection of editions met the following criteria for inclusion: front covers and/or articles and stories presenting a portrait of the former president Fernando Collor, his administration, or the people linked to him, especially those that feature a discursivization of corruption and of the political and judicial processes in which Fernando Collor was involved. On the whole, 24 covers and 7 excerpts from articles published during the aforementioned period were selected. It is worth emphasizing that the analysis of this material was not aimed at exploring the semiotic elements. In parallel to this source, we selected a number of texts from books, research studies and other scientific works (journal articles, dissertations and theses) that address the corruption practiced during the Collor de Mello administration, as well as legal papers and rulings related to the former president's impeachment proceedings, which conducted by the National Congress, and Criminal Action n° 307, which was presented before the Federal Supreme Court, available for consultation on the official websites of the Chamber of Deputies, the Senate and the Federal Supreme Court. The analysis of this discursive corpus has been anchored in Discourse Analysis, in legal texts and in the writings of Paul Ricoeur, particularly from the works *Memory, History, Forgetting* (2004) and *The Just* (2003).

RESULTS AND DISCUSSION

Even recognizing the various possibilities of exploring the theme of corruption, we opted for foregrounding the legal expression of the phenomenon, seeing that the dissemination of corruption at the institutional level compromises the attainment of the foundational objectives of the state and the guiding principles of public administration, which in turn has an impact on economic and social development, seeing that historical social claims and demands are ultimately not met, or are only partially met, precisely because the economic resources administered by the state, already so scarce, are object of unjust enrichment. In this approach, the primacy of individual interests over collective welfare constitutes not only a subversion of ethical/moral values, but most importantly the noncompliance with legal norms (FILGUEIRAS, 2004, p. 126). In addition to the judicial aspects, corruption is also a phenomenon that relates to memory and to the media. When corruption is denounced and brought out in the open, it tends to be discursivized by the media as a scandal. But, as it happens, the media spectacle narrates the events from a particular perspective, deriving interpretations from a particular meaning, which result from the excess of memory about certain aspects and the forgetting of others. Thus, the information disseminated by the media is a version of the events resulting from a selection of facts that are processed through the manipulation of memory. The public formulation of denunciatory discourse involves the need for the reparation of the injustice perpetrated, and, in turn, a need for punishment of perpetrators of acts of corruption (cf. FONSECA-SILVA, 2009; RICOEUR, 2004).

This indignation can be expressed in the form of vengeance, depending on the way that the act of judging is executed. For Ricoeur (2008), the practice of injustice calls for reparation. When this occurs in the form of hasty reprisal and is practiced without mediation by a third party, the punishment serves the spirit of vengeance. The sense of justice, in its turn, manifests itself as an indignation that satisfies a moral exigency. However, if justice is to be done it is necessary that a third-

party mediator – namely, a legal institution - interposes itself as a third party between the perpetrator and the victim, in other words, between an initial suffering by the offender and that of a supplementary one applied as punishment by the victim. In this sense, affirms Ricoeur (2003) that it is in order to obtain such a distance that a third person, a third party, is required between the offender and his victim, between the crime and its punishment a third person as the guarantee of a just distance between the two actions and the two agents.

In view of these issues, we examined the Collor case following the narrative constructed by *Vejamagazine*, which was a pioneer in presenting Fernando Collor in the Brazilian scene, comprehensively covering his political trajectory, from the beginning of his presidential campaign to the conclusion of the impeachment process. In taking this approach, it was possible to identify four distinct moments in which this trajectory is discursivized by the weekly periodical. The first moment characterizes the construction of Collor's image as a youthful intrepid leader, determined to combat the *marajato*¹ and the old political class that maintains and supports them. At this stage, he is portrayed as a politician who has the qualities necessary for being the leader of Brazil, consolidating the redemocratization process and guiding the nation toward an era of modernity. The second moment is characterized by the deconstruction of this image. In this change of discourse, Fernando Collor is presented as an ally of the anachronistic forces that govern the country, among which feature the *marajás* and the politicians with close ties to the military regime.

Accordingly, in the third moment there occurs a resignification of the image of Fernando Collor, which begins to be discursivized as a weak leadership, lacking in credibility and, even more seriously, a leadership that is corrupt. Even though it would seem that the magazine set out to reveal the obscure side of the former President, coming across as also having been deceived, what can actually be observed is that this "side" was systematically forgotten in the first instances of discursivization, which facilitated the national projection of Fernando Collor and his ascension to the country's top executive position. In light of the unworthy manner in which he behaved while in office, Fernando Collor really should be forgotten. This process of forgetting, which marks the last stage, found its actualization in the political sentencing decision (impeachment), and in legal proceedings through Criminal Action #307.

Conclusion

In view of the research questions and aims proposed, we inferred number of conclusions. We consider that the political sentencing was strongly influenced by the abuse of memory promoted by media speculation. In the period that preceded Fernando Collor's impeachment process, we analyzed a sequence of *Vejamagazine's* front covers that linked the image of the president to the acts of corruption practiced during his administration. The frequent exposition of these facts aroused/provoked widespread indignation among several sectors of society, who in turn began to call for Fernando Collor's suspension from the Presidency. Within the legislative houses, namely the Federal Senate, the spirit of vengeance

¹ State or quality of Maharajah, the public official who accumulates privileges not allowed to other working classes.

found space to manifest itself, and hence, the impeachment process unfolded largely on account of popular and media pressure. However, it should be acknowledged that the effect of justice also exerted influence on this process. Although it was precluded from determining or altering the judgment of conviction, the Federal Supreme Court worked to ensure that the expediency of the proceedings prevented an adversary proceeding as well as the right to a full defense. As regards the legal trail, conducted by the Federal Supreme Court of Brazil, we concluded that the sense of justice prevailed. In light of the acquittal of Fernando Collor, we could question if justice has in fact been done, since there are indications of his involvement in the tortious acts described in the charges brought by the Brazilian Federal Prosecution Office. As it happens, 'strong indications' is not the same as 'irrefutable demonstration', as demanded by criminal law. The judge must confine himself to the evidence presented in support of the complaint. There is no justice within a rules-based democracy without legal security, or if citizens are not protected by fundamental rights, which include procedural guarantees. Consequently, we can state that although the act of judging is performed either in the political or in the judicial sphere, it inevitably produces a memory effect as well as a procedural justice effect.

The difference resides in the intensity of each effect, and in the consequent responsiveness of the sentencing to this effect.

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