

PRONOUNCEMENT OF HONORABLE MINISTER EDSON VIDIGAL AT HIS SWEARING IN CEREMONY AS PRESIDENT OF THE FEDERAL SUPERIOR COURT OF BRAZIL

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"Let be known that Peace is good.

Every single day we get involved in so many conflicts – personal, corporate, political, religious, existential ones, that we don't even realize the importance and the need to live in peace. Well then, let be known that the ultimate commitment to Justice in a Democratic State is with Peace.

Only in Peace we will be better. A nation in Peace, a city in Peace, a neighborhood in Peace, neighbors in Peace, family in Peace, love in Peace. Justice is a facilitating tool of Peace. Of social Peace.

In face of any conflict, it is our duty to pursue appeasement first. To stimulate and sustain alternative solutions for the resolution of conflicts. This has always been the role of a Judge since the Old Testament to the present days of the Constitution of our Republic. To abort conflicts. To work to avoid them.

As the boys from the pop group Rappa sing, "peace without a voice is not peace, it is fear."

The antagonism, aggression and the insults in the midst of us, Lawyers, Public Prosecution officers, Judges and all the other authorities of the Three Powers, - does not help in any way. They only serve to take away the Republic's tranquility. If we are not in Peace, we cannot do the best that we can do for the well being of our Nation.

The Nation's Power, the Executive, the Legislative and the Judiciary are independent and harmonious within themselves, which is what commands the Constitution of our Republic. And we are, each one of us, in our jurisdiction, always shouting in the name of independence, but without caring so much for harmony.

Harmony means proportion, order, symmetry. Harmony is agreement, is conformity. Harmony is balance, it is a synonym of Peace. Since the ancient Greeks to the "novos baianos", harmony means synchronicity, adjustment of a poem into a melody. ("Acabou chorare / faz zum-zum pra eu ver...") Thus, we from the public life, in the Three Powers, have to behave with the conscience that we are inseparable partners and that we can only do the best for everyone in this Country if we come together, preserving ourselves together with the same democratic ideal of Social Justice, declaring and giving, in each demand, to every person what is his/her right, according to equality.

To say the Law and to declare the right, in time, so the person will not die without taking advantages of it; to end with the unjustifiable sluggishness so someone else can keep the best of it, where the State, procrastinates, instead of paying what it owes the citizen; to clear the traffic in all of the Judiciary, in which lies millions of claims and only a few thousands lawsuits; to take away with the bureaucracy from the Forums and the courthouses, so Lawyers, Public Prosecution officers and Judges may work with more agility and absolute transparency; to increase, at least, to four thousand the number of Federal jurisdictions, so that way, the service of justice to all may become truly efficient, through the presence of the Brazilian government in the most remote and unprotected areas of the States; to give to the citizenship, attorneys, Public Prosecution officers and judges, laws that are fair instead of outdated ones, which are capable of paralyzing and delaying decisions that, although legal, are the cause of injustice (as Roscoe Pound, a professor at

Harvard, "The law must be stable, but it must not stand still."); to attract for the role of judges the ones who are truly called for through a more objective process of selection by the National Superior School of Magistrate, where it will also recycle all of us, even Ministers, why not? To institute a public debt program, so when the public power is condemned in judgment, ending this way, the old system of writ, which goes over the public's right, evading them by its excessive sluggishness, not to mention what was created by corruption; to invest strongly in citizenship, so people in distant regions, inner cities and slums may be touched by the redeeming gospel of democracy; all of this is still too little when faced with what needs to be done. This is only a small portion of the challenges that we are going to face, to endure and to win.

We will need longer hours of work; we will need to recruit volunteers, to bring more talented forces – starting with the Attorneys from the entire nation. We want to listen to them and with their strengths add to our efforts. It is with them that everything begins and it is with them, representing the demanding parts that everything ends. It is invaluable the service that Attorneys offer to make Justice possible. It is also with the Federal Council of the Attorneys Organization of Brazil and other sectors, with attorney's association and other representative institutions that we want to work with.

It is with especial attention, that we, likewise, will listen to and support our Judges and Appeals Court Judges of the States. It is an occupation, in its majority, that is suffering, that is misunderstood, and in many cases forgotten in the remote areas, in a more anonymous Brazil, left alone to make Justice. We want to build a partnership, among others, with the Association of Magistrate of Brazil, School of Presidents of Justice Courts, School of State Prosecutors, among others.

We will intensify the forces of our union. Through the Federal Council of Justice, which I will also preside, we will listen and support the

work of our Judges at the source, in first degree and also in the Regional Courts.

No confrontations.

We have to submit ourselves to common sense, to good sense. He, who serves the State, serves the people in general. He, in the public service, who lets his extravagance, his eccentricity, his lack of emotional control, compromises with his bad humor all of the strength of power around him, taking away the benefits that must always be present in the decisions of the State. Harmony and unity must reign among us.

None of us, in the public service, is enemy of anyone. It is enough the enemies of the People, and just because of that, they are also our enemies. It is against them that we must be strong within our union. I beg our workers, all of them who are public employees, as well as we, Ministers, that in this union we can do more for the Judiciary, for the affirmation of democracy in Brazil.

Father Antonio Vieira used to say that priests are God's workers. Thus, in the same way, the money that pays the salary of the Nation's President, its Ministers, State Representatives, Senators, and Court Ministers is the same that pays the salary of all others, from the doorman to the chief of cabinet, from the soldier to the general. This money comes from one boss for which we work for, for which we are employed by. This boss is the one who pays taxes. We are employed by the Brazilian people. I trust in the good judgment and the public spirit of our political, corporate and associate leaderships. Together, we can do a lot. Separate, we cannot understand each other; we will get to the end of this term without achieving anything.

If we are not capable of maintaining ourselves united in search of bigger results, in favor of democracy, or better yet, of the Brazilian people; if we divide ourselves and in attacking each other, we let rage

take all of our positive energy, stirring up emotional reactions, time will tell us that we were fools, arrogant and dumb.

None of this "either by the law or by the force". In democracy, it is "either by the law or by the law".

The dangerous madness of so many Head of States around the world does not reflect the advances of humanity in the civilized stage that we are in today. This fever of intolerance that is taking over some nations, harming the peace in the world, will never contaminate us.

We are no longer the "País de Macunaíma", the hero without character. We are not even the "Brasil do Jeca Tatu", the poor one, without ambition or future.

Should we get comfortable with this backwardness just because the problems that trouble us seem to be enormous, countless or unsolvable?

Well, if we don't want to live backwardly, if we want to live in a country in Social Peace, in economic prosperity, we should not get intimidated with the way people talk about our problems. Challenges are not made to paralyze us. Challenges are important because it is exactly with them that we can make ourselves capable to triumph over them.

We will prevail if we continue. In order and in Peace.

We are today the Brazil that should be proud, in potentialities and conquests. We have already expelled the absolute power from our past and we are building one of the largest democracies in the world.

We are a peaceful Republic, compromised with human rights, self-determination of the people, construction of a free, fair and sympathetic society, without prejudices against origin, race, sex, color, age and/or any other form of social, religious or political discrimination.

That is the reason people coming from the excluded masses, from the poor distant areas, are now capable of disputing the opportunities that for a long time was only accessible to the more privileged ones. Daughters and sons of a common Brazil, a Brazilian Brazil, are reaching the higher grounds, the universities, the companies, and the public life.

When I was born, 59 years ago, life expectancy in Brazil was of less than 50 years old. Therefore, I should have been dead by now. Today, life expectancy is of more than 70 years old. That is, I will be able to say "good-bye" to this institution in about 11 years.

When I arrived at the Federal Appeals Court in 1987, at 43 years of age, we were 140 million people. The number of women added up to 77 million and at the time, there was no Mrs. Minister at the Federal Court. Today, there are already 88 million women, therefore, more than half of the population. The majority of them are going to law school. Here, at the Federal Superior Court, among 33 of us, there are only four women. It is not the best, but it got better. It will get even better.

Sometime ago, I read at the Talmud that a live dog is better than a dead lion. So, no more of this "looking back". We are risking ourselves from becoming salt statues. Going forward, disposition without measures, straight up head, in a conscious national union, determined. We will prevail over depression, uncertainty, insecurity, discouragement.

Brazil, as Mr. Sarney used to say, is a lot bigger than its own problems. And the Brazilian people are big, as they have proven in the most difficult moments of our history. They are winners.

It is true that we still have some structural issues to deal with, to begin with the definition of rights and duties of the powers within the Union, the States and the Municipalities. It also includes a more transparent role of these powers, at the federal level. We need to take

care of that as soon as possible. The lack of attention can result in convincing uncertainties regarding the path of our institutional stability. Therefore, damaging social peace.

To do tomorrow what can be done today is not me. Brazil is in a rush, the Brazilian people want their right yesterday. Let's be aware of the theme of the major symbol of our Republic – Order and Progress.

The culture of getting ahead conspires against the advances of the Nation. Let's prevail over it by working together, with agility and transparency.

It is our role, at the Judiciary, interpreting the Constitution of the Republic and its laws, to declare the rights of people, impose limits to absolute power, contain the violence, repress racial injustice, the injustice of prejudice.

In this country everyone is equal by law and whoever might think that this is not true, wake-up. Democracy does not tolerate impunity. The Judiciary that Brazil wants, and that we will have – everyone, everyone, will be, yes, equal by law.

I believe that together we can build an indestructible bridge over the social and economic depths, which make us feel uncomfortable. A bridge built on faith and determination by the Brazilian people. Once we cross this bridge, we will then arrive to the same advancement level as the developed nations, and as a result, our society and the State will be able to contemplate the People – with more justice and peace. More health and jobs, education, safety, justice and peace.

Now I must apologize and ask you also to pay attention. It is appropriate to remind you here of Ecclesiastes 26:2-4: "Happy is the man who has a good woman, for his years will be doubled. The strong woman offers happiness to her husband, will shed Peace to his

years. It is a great portion to have a good woman; in the portion of those who fear God, she will be given to a man for his good actions. Rich or poor, (her husband) has a pleased heart. And his face reflects happiness all the time”.

Eurídice, my wife, my partner, my friend, this is all about you. I know that you know that it will be two more years of new challenges together. One day, we will get away and be alone and closer. With much love and in great peace.

This message is also appropriate, public and special, to the extended family, daughters, sons, uncles, aunts, nephews and close friends.

You will suffer all kinds of harassment, from the most charming ones to the most grotesque. Don't forget that during these two years, the bad mouthing or the nice ones are not because of you.

They will be like hooks that, defiantly, will launch, so that, making you hostages, in some way or another, the evil of corruption, of traffic of influence, of fascism or just jealous people in the service of wickedness, arrive at me, trying to weaken me as they have tried other times, but did not triumph, and I declare to you, they will never be able to do so. I recommend to all of you, my immediate and extended family, as well as my close friends, to read everyday the Gospel of Mathews 4:1-11; the great lesson of Christ about the firm character where he teaches to react to temptations, even when we are hungry and thirsty in the desert.

As the poet used to say, “one day is enough for me, no more than one day”. Well, if we are going to have two years ahead of us, why not, then, unleash the dreams, and by dreaming awake, make them real, scarring away the phantoms and without fantasies?

If I am allowed to be free, if I have the support from all, from my colleagues, of the Ministers, of our employees, of the leaders in the Executive and the Legislative, of the Attorneys, of the State and Federal Public Prosecutors office; if I have this kind of support, it will be possible to accomplish the work of twenty years into two.

“Even miserable, the poets/ their verses will be good (...) Poets, like the blind, know how to look in the darkness.” I will never be separated from poetry. Not even stop dreaming when awake. The ones who dream awake, as Mr. T.E. Lawrence said, are the most capable because by dreaming awake they are able to achieve what they dream. The development of Brazil, history proves, was made by the dreamers who dreamt standing up, awake.

“For the conquest, the boldness, still the boldness, always the boldness”. Said Danton, at the end of his famous speech, at the French Revolutionary Convention in September 2, 1792. To be able to reform, to modernize and make our Justice more agile and transparent, it will be necessary to have boldness. Still boldness, much boldness.

All of this without forgetting Shakespeare’s warning – “If you don’t want to be a victim of insult, don’t say anything, don’t do anything, be absolutely nothing”. This is the risk taken by those engaging in public life, when he/she wants to do something well done, far away from mediocrity. As in Gullar’s poem, a little bit above the ground, in close fight against the world’s decadence.

What I believe is in – “to do”, “we can do it”, “let’s do it”.

I understand that the president of the Court is the addition of its composition. He might have his own personal ideas, but they should never diverge or contradict the thoughts of the Court.

His main task is the sense of duty and the zeal for the accomplishment of our duties to the society. I have in mind the exercise of my command that I am an element of the Federal Superior Court, which has chosen me, unanimously, for this honorable mission. Duty and responsibility – words and actions that will be present in the conscience of the president, expression of the Court.

Ladies and Gentlemen:

As soon as I was elected to face and win this new challenge, people asked how it was to get here. I answered that when I was a little kid, people used to tell me that God said – “make it for yourself, and I will help you.” Thus, I have always tried to do my part in order for me to deserve God’s help. I started talking about Peace.

And now, taking advantage of this occasion, I kindly ask to the entire crowd of frustrated, jealous, unhappy, and black crow people – for God’s sake – let me do my work in Peace. I want to work, to do my job well. The negative feelings, the unstoppable frustrations don’t help. There is not one person who doesn’t need Peace to work.

Thank you all very much for coming. My foundation is the road, my destiny is the future. Let’s keep on going together. We have promises to carry out.

See you in two years. And again, thank you very much.”

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