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## The Threat to Democracy in Brazil's Public Sphere

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The Threat to Democracy in Brazil's Public Sphere

by

Daniel Nettuno

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
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## **DEDICATION**

This thesis is dedicated to my parents, from your little chosen boy that you named Daniel. While times have not always been easy, I firmly believe this work represents a doorway to the next and best chapter of my life. Without your unconditional love and support, none of this would have been possible. As I have always said, some people were simply born into what they have, for some reason I was chosen. I love you both more than you could ever know and thank you for allowing me to always follow my dreams! In addition to my parents, I could not have accomplished this project without the help, honesty, and gentle prodding of my sister- I love you so much! Finally, to Dr. Reiter, thank you for all your assistance and guidance, while dealing with my procrastination. This was a much larger undertaking than I thought at first pass. I know for certain that when I begin to write my Ph.D. dissertation, I will heed the advice of my mentors and start early!

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## **ABSTRACT**

This thesis looks at the nature of violence with its endemic, and increasingly epidemic presence in Brazil. I analyze the structure of the justice system, police force, and the many governmental security programs in order to better explain why Brazil is so violent and its government has been unable to control this violence. Living under violent conditions, Brazil has become a society where the efficient functioning of the public sphere has been undermined. This public space, shared by citizens, is what many academics believe to be a critical component of a robust and functioning democracy. In Brazil, it is shown, this space is often absent as people are scared away by the violence. Furthermore, the question of whether or not violence is a threat to Brazil's democratic system is addressed.

## **CHAPTER 1: INTRODUCTION**

Brazil is a vast country with a burgeoning middle class coupled with a vibrant economy that has managed to weather the global economic downturn. In addition, the country has increasingly projected its political prowess both regionally and globally in resolving international disputes as far ranging as the nuclear program of Iran to the complex situation in the Middle East mediating between the Israelis and Palestinians. Additionally, Brazil is poised to become a major energy exporter in the century ahead, with the discovery of a large undersea oil field off its Atlantic coast. All of these events are coupled with Brazil's higher profile on the world stage in the decade ahead. In 2014, the country will host the World Cup and then, subsequently, the summer Olympics. These games will be held, for the first time, in Latin America by Brazil in the city of Rio de Janeiro. Only by understanding the underlying causes of violence is it possible to assess the robust and enduring nature of Brazil's democratic institutions and the effect it has on civil society. This thesis argues that violence threatens Brazilian democracy by eroding the vibrancy of its public sphere. This happens because people distrust each other and violence further promulgates this distrust. People feel insecure in the public sphere and thus avoid this public arena as place where they meet and encounter one another.

In a bid to find out if the decline in security vis-à-vis violent crime in Brazil has had a negative effect on the country's democracy, I have looked at various studies that



examine this subject. Findings obtained by one such project from Paulo Pinheiro indicated that although the increase in crime rates and violence in Brazil had instilled fear among the citizens, the situation was not found to undermine democracy as he defined it for study purposes. (Pinheiro, 2002) Pinheiro's conclusion can be better explained by his treatment of definition of democracy. If democracy is defined as having both regular and fair elections, then violence cannot threaten Brazilian democracy, given its mandatory voting regime. However, if democracy is imbued with more requirements the way I suggest, violence then has the potential to undermine the vibrancy of the public sphere, thus cutting off the very place where democracy is legitimized. (Habermas & McCarthy, 1985) The political history of Brazil also lends a unique historical collective memory to Brazilian democracy. This legacy still produces a fear that if its citizens pressure the political administration into police action, it will cause disorder and result in a possible return to a dictatorial regime. (Coppedge, 2002)

In undertaking my research study, I performed a critical research review of secondary academic sources and used theoretical frameworks established by other authors to support my findings and establish a theoretical foundation for my research. This study is a comparative study with previous academic research used to produce cohesive and clear deductions along with my analytical findings. Past research projects on crime, violence, and insecurity in Brazil, as well as on how those issues impact the country's democracy are reviewed. This encompasses sources like contemporary peer-reviewed journal articles, as well as manuscripts and theses. I also used primary data from the University of São Paulo/FAPESP Violence Program, The Fernand Braudel Institute of World Economics, and other research project data sets in order to support my

hypothesis that violence undermines democracy and degrades the robustness of the public sphere in modern Brazil. My approach thus concurs, and dwells on, the work of Brazilian political scientist Leonardo Avritzer, who wrote that in many cases, “democracy depends on the character and availability of democratic practices.” (Avritzer, 2002; 57)

This research then utilizes both primary and secondary data, along with interpretive analysis to form a conclusion. Supporting evidence includes, as I mentioned, previously conducted research studies, government statistics, and reviews from salient secondary literature sources. All of this is synthesized to show that if mutual fear, whether it is a perceived or real threat, scares people away from public places where they freely interact and critically interchange their ideas and preferences about politics and collective life. If democracy, subsequently, loses its most important place to be developed, namely a diverse and heterogeneous, yet inclusive public sphere, then violence is a menacing challenge to Brazil’s democracy. Without this lively public sphere, democracy can ultimately neither thrive nor remain robust. (Habermas, 1991)

## **Chapter Overview**

Following the introduction, chapter two of this thesis is focused around the issue of urban crime, with analysis concentrated on certain key factors that have led to its increase in geographically diverse regions of Brazil but mostly urban. I then explore the impact that this increasing violence has had on the attitudes of a socioeconomic cross section of Brazilians. This includes an examination of attitudes towards the appropriate levels of punishment, criminality, and policing. Recommendations given by numerous experts are analyzed in order to provide an oversight of what can be done to change the current

situation. I further analyze the implications of urban crime on Brazil's democratic system and establish the fact that the public sphere is critical for democratic consolidation. Without the proper functioning of the public sphere, democracy is directly affected adversely by this violence. My hypothesis is that as the level of crime continues to increase, the quality of democracy in Brazil has been found to decline. This first part explores how this has occurred due to the lack of an active public sphere whereby these political and social issues are addressed. The second section examines the state institutions designed to promote public safety such as the judiciary, the structure of law enforcement, and the prison system. The third part looks at the reactions of the Brazilian state to curb crime in urban areas and explores the suggestion that the Brazilian armed forces should be called to fight crime alongside the police forces. Identified urban areas where crime has been on the rise include São Paulo, Rio de Janeiro, and Recife. According to my research in this chapter, rapid and often unplanned urbanization has resulted from an immense increase in the urban population. The phenomenon results in poor living conditions that profoundly influence the level of urban crime. Other factors that have led to the increase in urban crime include poor governance, an inefficient state security apparatus, and the lack of political will to stop crime due to its high political costs. In the end, the state's failings have caused the population, particularly among the elites, to support drastic and often undemocratic methods of crime control such as vigilante justice and targeted policing that often invades the poorer areas. This has created a two-tier situation where the rich and poor live in separate yet parallel worlds. The attitude of the public towards the state is of mistrust and a lack of confidence with police officers being regarded as corrupt and incompetent, the judiciary as being

unreliable and the entire system as being flawed. This negative attitude has in turn forced the public to put up alternative security measures such as avoiding public places and seeking the intervention of the military.

Chapter three begins by discussing the history of Brazil's institutions and particularly the influence of patrimonialism, capitalism, citizenship, and patterns of sociability that have had a negative effect on reducing the levels of violence in Brazilian society. By looking at certain factors that have taken place in Brazil's historical development, it provides a better framework from which to understand the legacy of violence and the root causes of this violence in modern day Brazil. By exploring specific elements that were critiqued by Bernardo Sorj, chapter three demonstrates how each of these elements has played a role in increasing crime levels in Brazil. In addition, I explore how these elements must be addressed in order to promote equality and safety for the public. These broadly discussed elements include capitalism, patrimonialism, the rationalizing state, social inequality, along with heterogeneity, citizenship, the non-cumulative logic of organizations, and sociability patterns.

Chapter four expands on the issues surrounding violence and attempts to control it by organs of the state. These attempts at control are often implemented, while paying no heed or interest in a vibrant public sphere. I show, also in this chapter, that the police and other organs of the state act with impunity and are woefully inefficient in dealing with the problems that violence presents. A literature review was conducted to find out what experts believe are the impacts of race, gender, and class, and how these factors impact a person's views on civil rights and thus the appropriateness of extralegal violence.

Chapter five elaborates further on the existing negative symbiotic relationship between violence and Brazil. In this chapter, the negative relationship is explored and it has certainly not cast Brazil in a positive light. At the very least, it brings to the forefront a problem that has plagued the country for more than a century. The chapter also looks at ways the Brazilian government is trying to solve the problem of violence. In essence, I ask the question of whether or not there has been real progress or just an illusion of such progress. Implemented programs like community based policing and favela outreach programs are explored in this chapter. In addition, the weaknesses of the Brazilian political system are exposed, which is seen as contributing to the inaction and inability of the state to control spiraling violence in certain sectors of the country. The inefficient organization of the police forces and the lack of trust that many of Brazil's poor have towards law enforcement and the judiciary I analyze. With Brazil's international profile being raised by both the upcoming World Cup and Olympic Games, the government has focused on poverty reduction and retaking control of some former drug-gang controlled areas in cities. Many of these programs have been successful because they use community engaged policing and thereby establish a government foothold in poor urban areas. The government has promised that it will no longer abandon large swaths of its cities to lawless gangs of criminals. The chapter takes an in-depth look at how these programs function and a literature review has been conducted using analysis from experts like Luis Bitencourt and Claudio Beato as to the most effective. Another focus of this chapter is to synthesize and evaluate the many ways the Brazilian government is trying to fight crime and violence on a local, state, and national level. Finally, the Conclusion provides an overview of the main findings reached through this thesis and then

synchronizes the arguments laid out in my work. Violence is caused by multiple factors that stem from historical legacy, political inefficiency, and economic inequality. If Brazil is to progress as a nation, the walls must come down and civil society must have a public place to interact and that public sphere needs to be reopened as the locus and primary place for debate. A lot of information regarding the causes and solutions to the problem associated with violence were analyzed through the prism of different studies, yet politicians are generally unwilling to put themselves at the forefront and demand an investment in the implementation of these findings. This is the biggest area where the government of Brazil is failing its citizenry. For Brazil to develop politically and socially in the coming century, basic problems such as violence and personal security must be addresses and resolved. This is because the public sphere is the very place where people come together and try to solve problems and promulgate ideas to make their society a better place to live. Without this public space in which to debate, people begin to lose trust in each other, and cannot trust their safety in this public environment. Without this safe public place, society parses itself out into separate and unequal sub-societies with separate schools, neighborhoods, and differing transport systems. All of this has the effect of producing two Brazil's that don't have this necessary interaction and lack the will and means to share a public sphere, the very place in which democracy is said to grow and be nurtured.

## **CHAPTER 2: VIOLENCE, LIFE, AND *BRASILIDADE***

In 1940, only about one third of Brazilians lived in what we would now call an urban location. By 2003, that number nearly tripled to over 80% of Brazilians resident in cities. The rapid nature of this urbanization has undoubtedly contributed to the poor quality of life in modern urban Brazil. In addition, the poor quality of life contributes to the epidemic levels of violent crime in Brazil. Coupled with ineffective government and a lack of political will and efficacy, Brazil has indeed become a very dangerous place that has largely abandoned its public sphere. What I will discuss in this first section is why there is such a prevalence of violence in urban Brazil and what can potentially be done to change the situation. In this thesis, I demonstrate that widespread violence affects the quality of Brazilian democracy because it undermines the quality of its public sphere. (Avritzer, 2002) Without a lively public sphere, democracy can ultimately not consolidate and endure. (Habermas, 1991)

As one would expect, violence disproportionately affects young men. A statistic that exemplifies this situation is that fact that “the risk of death by homicide for males between 15 and 24 years old is much higher than that of traffic accident.” (Cardia, 2000; 1) Since the mid 1980’s when Brazil returned to a civilian democracy, violence has been an almost daily component of life in its major cities. During the past two decades, crime statistics in major Brazilian cities such as São Paulo, Rio de Janeiro, and Recife have skyrocketed. The populations of these cities, both the elite and the marginalized, have

become frightened and increasingly concerned that the state can no longer protect them. The police forces are seen as incompetent and corrupt; the judiciary unreliable; and the penal system flawed. The situation has become so grave that in some places, criminals command more authority than the state. This has spurred many citizens to request the intervention of the military in curbing crime and violence. In addition, the middle and upper classes have largely abandoned public spaces and avoid them in their lives by living in fortress like condominium housing complexes that shield them from the masses on the outside. As one analyst of this trend suggests, the “gated-community mentality has been spreading like a cancer around the globe for decades. Its utopian purity, and its isolation from the life of the real city next door, are grounded in the belief — accepted by most people today, it seems — that the only way to create a truly harmonious community, green or otherwise, is to cut it off from the world at large.” (Ouroussoff, 2010; 87)

Under these circumstances, where some believe Brazilian democracy may not be entirely consolidated, it is only natural to question whether urban violence has affected the political vigor of Brazil’s democracy. (Bitencourt, 2003) If a measure of a democracy’s vigor is its political vitality, as some suggest, Brazil’s democracy looks more energetic than ever. In the 2002 elections, numerous political parties and candidates were able to campaign at all political levels with complete freedom of expression along with vast popular participation. The process was relatively nonviolent, trusted, and reliable. (Bitencourt, 2003) However, if one considers the importance of the public sphere for democratic renewal and quality, then violence takes on a new dimension and importance, as it has the potential to erode the very foundation on which democracy rests,



namely a vibrant public sphere. Over the course of this study, I am thus seeking to explain, among other issues, the apparent paradox that exists between Brazil's urban violence and the relatively peaceful elections process seen in the most recent campaigns. In this chapter, I assess the impact of growing urban crime on Brazil's democracy. The first part analyzes the implications of urban crime in Brazil on the democratic system and established the importance of the public sphere for democratic consolidation. The second section examines the state institutions designed to promote public safety such as the judiciary, the structure of law enforcement, and the prison system. The third looks at the actions of the Brazilian state to curb crime in urban centers and pays special attention to the suggestion that the Brazilian armed forces should be called to fight crime. In the end, I will prove that urban crime does not threaten the existence of Brazilian democracy, though it certainly impairs prospects for improving the democracy as such.

### **Democracy and the Public Sphere**

Why should we bother examining violence when analyzing democracy? In what way can violence affect, threaten, or even undermine democracy? Before I can discuss the different aspects of violence in Brazil, the logical link between violence and democracy needs to be established and explained. In this section, I will endeavor to introduce the rationale that links violence to democracy. To do this, I use secondary sources and theories of academics like Habermas and Avritzer, among others, to give a better understanding of the intersection of violence, the public sphere, and democracy.

Democracy, in some circumstances, can be seen as a regime where political elites regularly compete for the popular vote. These broad ideas about democracy were

similarly posited by academics such as Schumpeter (1991) and Huntington (1997) in their books about democracy and the popular vote from back in 1991. Less conservative analysts, however, expect much more from a democracy such as Habermas (1991); Avritzer, (2002); Arendt, (1977); Rueschemeyer, (1998); and Wittrock (2001). To them, democracy needs a vibrant public sphere where citizens can meet and share their ideas and political preferences so they can freely discuss and refine them. In such a view, expressed, e.g. by a whole array of scholars under the headline “deliberative democracy” (Bohman, 1998), it is not voting that makes a democracy, but the ability to actively participate in the collective decision-making of a polity. Ideally, as Hannah Arendt had explained many years ago, citizen form a collective will by interacting in the public sphere – and this collective will then become institutionalized and translates into law (Reiter, 2002)). Also, as Reiter wrote, “such a possibility rests on understanding reality as socially constructed through interaction and speech. The success of democratic change depends on the sufficient accumulations of ‘communicative power’, to overcome the current realities that are maintained by the use of power and violence.” (Reiter, 2002, 27) To these republican-minded authors, democracy is a system where the people rule and where the distance between those that rule and those that are ruled is minimal. However, for people, or citizens to rule, they need to find opportunities to interact, talk, have access to and interchange information. The only place where this can happen, according to Habermas, is in the public sphere. (Habermas 1991)

Hence, violence has the potential of keeping people away from public spheres out of fear of violence. Violence also undermines public encounters and dialogue – as it creates an atmosphere of mutual suspicion that makes any meaningful encounter and

interchange impossible. In the case of Brazil, violence does not, in itself, affect elections – not in Brazil, where voting is mandatory – but it can certainly undermine the public sphere and civil society. In fact, as I had previously mentioned, this public sphere is the place where the deliberative aspects of democracy are supposed to take place.

### **Violence in Brazil**

From the early part of the 1990's, armed violence, insecurity, and crime have increased dramatically in Brazil. In the city of São Paulo, for example, one out of every twenty citizens were victims of armed robberies during 2002, that is a rate of 1,704 incidents daily as reported by The Fernand Braudel Institute of World Economics (FBIE). (FBIE, 2003) In 2003, according to the Brazilian Ministry of Health, the homicide rate in Brazil reached a peak level of 28.9 per 100,000 inhabitants, double the rate seen in 1980. Much of the violence, according to analysts, is due to social inequalities and high rates of unemployment. Although most violence affects the poor, middle and upper classes are also affected by it, which has contributed to a perception of the poor as “the dangerous classes” (Reiter, 2003, 24). Another disturbing trend is that an ever increasing contingent of journalists, mayors, and judges, along with union leaders have been wounded or killed in gang-related killings for threatening the schemes of organized criminal gangs and other powerful groups that often include politicians and business people.

While violence has not spared any particular social group, it is in the peripheral communities of big urban centers that the phenomenon is manifested most intensively. For example, although the homicide rate in São Paulo and Rio de Janeiro in 2001 was, respectively, 54 and 59 per 100,000 inhabitants, it jumps to close to 200 per 100,000

when the object of analysis is the urban poor. (FBIE, 2003) These rates are comparable, and even exceed those of countries that have been plagued by ongoing civil war and are conventionally considered 'crisis' countries. These countries include Colombia, Sierra Leone, Iraq, and Afghanistan. Even during the worst days of Colombia's drug fueled civil war, the murder rate remained at 52 per 100,000 people. As is evident from the graph on the next page, Brazil remains a very dangerous place according to the statistics from the United Nations. One sign of hope though, comes from a recent study in 2006 that shows the overall homicide rate in Brazil has dropped almost in half. By 2006, murder in Brazil per 100,000 people dropped to 25. This can be attributed to the social policies of President Da Silva's administration and the continuing strong performance of the Brazilian economy. In the 5 years between 2001 and 2006, the anti-poverty measures of Lula's government have show success, coupled with increased anti-crime and other security measures in Brazil's largest cities. While crime and murder are, relatively speaking, quite high in Brazil, signs are that progress is being seen and the following chart shows a clear drop in the number of murders in 2006 per 100,000 inhabitants.

**Table A: Murder Rate Comparison Chart: 2006**



(Source: United Nations Economic Commission on Latin America, 2006)

The high homicide rate is simply one facet of the violence in Brazil. Criminal gangs, acting with increased brazenness, have been responsible for episodes of internal terrorism and widespread panic. In 2006, for example, an organized crime group known as the First Capital Command or *Primeiro Comando da Capital* coordinated a series of bombings, which included the burning of buses and assassinations of law enforcement

officers in the city of São Paulo. This was to protest the sudden transfer of some of the group's leaders to a maximum-security prison in the interior of the country. (Branco, Dellasoppa, Zoraja, 2006) These attacks, which lasted some three days, made the largest and most powerful city in South America grind to a halt. The mastermind of the PCC, Marco Camacho who is known more commonly by his nickname "Marcola", ordered these barbaric attacks, from within a maximum-security prison. Using a cell phone, Marcola coordinated various attacks simultaneously, which caused the death of more than 160 people, most of them innocent civilians. (Ahnen, 2007) According to an article published in the Brazilian weekly *Veja* from 19 July 2006, "(the) PCC is active in all of the 144 São Paulo state prisons and had contracted several lawyers to act on their behalf." (Reiter, 2008; 18) The net effect of these attacks are compounded by the fact that most middle and upper class Brazilians have abandoned what is commonly called the public space and live in fear of the outside world. According to Reiter, "to them, the excluded have indeed developed in to a different species and this post-misery class indeed projects an extremely irrational fear onto the minds of included groups." (Reiter, 2008; 18)

The reality of modern day Brazil is such that this violence, and the state's inability to deal effectively with its causes, has allowed two parallel universes to exist concurrently. Neither the included nor the excluded groups share much interaction with each other. As Teresa Caldera so aptly wrote, "closed condominiums are called fortified enclaves. The latter are changing the way in which middle and upper class people live, consume, work, and spend their leisure time. They are changing the city's landscape, its pattern of spatial segregation, and the character of public space and of public interclass interactions." (Caldera, 2000; 258) Hints of terrorism also characterized the assassination

of seven year-old Joao Helios in Rio de Janeiro at the beginning of 2007. This small boy was dragged for seven kilometers by a group of teenagers attempting to rob a car. The young boy became the poster child of a nationwide protest against the high levels of violence in Brazil. (Branco et. al, 2006) This incident only further illustrates the increasing levels of violence in Brazil. This case also brought about some more soul searching and further questions about the Brazilian legal system. Today in Brazil, teenagers under 18 years old cannot be sent to an adult prison to pay for their crimes. Instead, they are put under the tutelage of the Brazilian state and sent to a reformatory organization where they are expected to receive education, psychological help, and be rescued from their criminal life. These institutions, ironically, seem to work as authentic schools of crime, where teenagers are frequently beaten and crowded in small cells. (Branco et. al., 2006; 22) When the younger criminals are released back in to society, they tend to be more at risk of being violent repeat offenders. These reformatory organizations only seem to serve in promulgating additional violence as opposed to mitigating it especially among the youth. (Amir, 2009)

### **Planting the Seeds of a Criminal Life**

The likelihood of poor teenagers joining criminal gangs has been growing in recent years in the faceless and poor areas of Brazil. Many of these youths, start their lives of crime as early as 8 years old. In spite of the inherent risks of drug dealing, a growing number of youngsters have been joining in this activity where they are seduced by the possibilities of making considerable amounts of money in a short period of time. (United Nations Development Plan, 2005) In the favelas of cities like Rio de Janeiro and São Paulo,

children and teenagers are supplied with machine guns and positioned at strategic points to monitor the daily movement of residents and to report any suspicious activities to the drug lords of the major gangs. The criminal gang leaders seem to be successful at integrating the legion of delinquents that support their lucrative business of drug dealing in the poor favelas. Criminal gangs like the PCC have been responsible for warlike scenes in São Paulo. In Rio de Janeiro the situation is similar with the *Comando Vermelho* and others wreaking havoc in the city's slums. In fact, deaths by stray bullets resulting from rival drug gang disputes have become as common as terrorist-like actions by drug dealers. (United Nations Development Plan, 2005) As Paulo Pinheiro stated, "...the growth of criminality in Brazil, like in South Africa and Russia, not only corrodes expectations for the future democracy but also legitimizes arbitrary violence, thereby weakening the legitimacy of the political system itself." (Pinheiro, 2002; 117)

### **Combating Violence Through State Action**

Former National Security Secretary, Coronel José Vicente da Silva Filho, recently remarked that the absence of effective intelligence and coordination among state and federal agencies in the area of public security have left room for gangs to develop a command hierarchy capable of organizing large-scale actions. In addition, they are able to field an army of experienced and well-supplied fighters who impose their authority in the slums and intimidate police authorities and dwellers of richer neighborhoods." (FBIE, 2003) Other observers remarked in The Fernand Braudel Institute of World Economics study that they see the lack of coordination among the main obstacles to the effective combat against violence. (FBIE, 2003) They argue, for example that many times violence



is dealt with in Brazil almost exclusively in a reactive manner. In this sense, as crimes explode in the media, authorities are quick to raise the budget for public security initiatives, announce national plans, vote on tougher legislation and put large scale operations in place in slums and other at-risk areas. However, there is little strategic planning and almost no coordination between the bodies carrying out security interventions, and those who plan them. This limits the capacity of the authorities to take a real step toward a safer country. (Branco et. al.; 2006) This is the case, for example, with the National Public Security Plan (PNSP). The Plan, first launched in 2000 by President Fernando Henrique Cardoso and then re-launched by President Lula in 2003, has focused “too much on what needs to be avoided rather than what has to be done. While this helped the various agents of public security to detect the enemy and have the necessary tools to destroy them, it has not enabled those agents to engage in an efficient collective action that can yield practical and lasting results.” (Branco et. al., 2006; 187)

### **The Police**

The state’s tools to promote public safety are organized into three systems that operate laterally and often at odds with each other. These systems are the enforcement apparatus: mainly the police, judicial, and penal system. All three systems are plagued with flaws and inefficiencies. Firstly, the enforcement apparatus is organized at two levels, the national and state level. (Platt, 2008) At the national level, there is the DPF or Federal Police. This is the main organization responsible for the investigation of criminal offenses that are either interstate or international. Additionally, the mission of the DPF is to prevent drug trafficking, act as the police for the judiciary, and provide security at

international points of entry as well as at some government buildings. Also, the DPF performs enforcement functions of a coast guards, air force police, and border patrol. At the state level, the Military Police *Policia Militar*, Civil Police *Policia Civil*, and the fire departments are the agencies responsible for public safety. They all report to the state governors and are organized along a military structure. Operationally, these state police forces are supervised by the Secretariats for Public Security in each state and then coordinated by the National Council on Public Security (CONAS). As is evident, there are many complicated power centers within the police forces.

These police enforcement regimes have been heavily criticized for their lack of adequate training, endemic corruption, and use of excessive violence. There are several cases that notoriously link police members to violence, corruption, and death squads. An example comes from July 19, 1993 in the northeastern state of Alagoas where sixteen members of the military police were accused of killing sixty-nine people. Additionally, on July 23, 1993, eight street children were gunned down by members of the Military Police in front of the Candelária Church in Rio de Janeiro. According to Bitencourt, “Police violence in large urban centers has reached the point that, in some regions, policemen are feared more than drug traffickers, who can ultimately pose as the real protectors of law and order.” (Bitencourt, 2003; 5) In an ominous statistic, São Paulo’s Military Police killed 1,470 civilians in 1997, which was one-third the total number of homicides in the state. (Public Safety Project Report, 1997) The problem of corruption within the Brazilian police forces is at both complex and deeply rooted in history. Inefficiency and corruption are endemic to the system due to the fact the different police regimes are responsible for different aspects of law enforcement. The police forces are

compensated poorly, lack non-governmental oversight, and they are not trained sufficiently well for the needs of policing that Brazil has. For example, the Civil Police are responsible for investigating most crimes yet the military police have the responsibility and power to arrest, detain, and this prevent crime. While this division of power made sense when Brazil returned to democracy in the mid 1980's, it is not efficient and is thus contributing to problems of corruption and a spiraling rate of crime and violence. In recent years, there have been numerous attempts to reform the system but the police unions are powerful and there is a lack of political will to make changes. Once again, this is a clear example of formal democracy at work in Brazil yet substantive democratic function clearly lacking.

### **The Judicial System**

Another area in urgent need of reform is the Brazilian judicial system. There have been many initiatives, so far mostly unsuccessful, to reform the system. These initiatives have been motivated by the widespread belief that the system, along with its procedures and organization, is flawed and cannot meet Brazil's public safety needs. As a consequence, ordinary citizens have become skeptical about the application of justice in Brazil. They also believe that justice is unfairly administered by being easy on the rich and powerful while handing down harsher punishment to the poor. Pinheiro wrote, "The judicial branch of government is perceived not as an institution that protects the rights of the under-privileged sectors, but rather as an institution responsible for the criminalization and repression of the popular classes. Accused black criminals consistently receive harsher sentences than their white counterparts, a fact that indicates racial bias in

sentencing.” (Pinheiro, 2002; 17) It is also widely known that many in the Brazilian judiciary have refused to try egregious rights violations in spite of strong evidence to the contrary. Furthermore, most efforts at prosecuting the numerous police officials who have been involved in homicides and massacres are reversed.

Since the early part of the twentieth century, the judiciary in Brazil has been in a perpetual state of crisis. In 1932, the chronic inefficiency of the then Federal Courts led to the end of Federal Justice in the country. The power was then devolved to the states and this has been the case for the past eighty years. In more recent developments, the new Brazilian Constitution of 1988 placed additional burdens on the Judiciary adding to their workload and mission. Since then, the state of Brazil’s inadequate and arcane judicial system has continued to worsen. With the opening of the economy, the establishment of political democracy, and the implementation of many inadequate policies by the central government have led to thousands and thousands of lawsuits from citizens. Courts clearly have not been able to respond to all these demands.

From an historical perspective, the Brazilian judiciary is descended and modeled after the court systems of European monarchies where they were designed to be subservient to the power of the monarchy. According to Luciana Yeung, “Even now, in the 21<sup>st</sup> century, all laws which define the structure and functioning of courts in Brazil are solely dictated by the Legislative and the Executive branches. One needs only to remember the Constitutional Amendment Number 45, which institutionalized the so-called Judicial Reform in 2004, as well as all the small-scale reforms in the civil law system.” (Yeung, 2009; 9) These aforementioned laws were the result of many years of discussion and bargaining in the Brazilian Congress. These laws also had to be

implemented only after approval by the Congress and then the President of Brazil. As such, any of these changes that were detrimental to either the power of the Congress or the Executive were not approved or implemented.

Brazilian judges have traditionally come from the elite class. Though this elitist trend among judges has declined in recent years, it still very remains the norm. A recent study carried out by Mario Sadek in 2006 shows that 85.7 percent of all active judges are white and only 13.3 percent are black or brown (*pardo*), while these same racial groups constitute 53.7 percent and 44.7 percent, respectively, of the Brazilian population. Moreover, 54.4 percent of Brazilian judges have a father with at least a high school diploma, with judges' mothers having graduated high school 51.9 percent of the time. (Sadek, 2006) The 2007 National Survey carried out by the Brazilian Official Statistical Institute showed that, in the national population, only 28 percent of males and 32 percent of females are high school graduates. (IBGE Study, 2007) In addition to the elitism seen in what can be called the judicial class, another characteristic that has carried out through history has been the close relationship between judges and the bureaucracy. For many years after independence, the judiciary was part of the bureaucracy and not independent as it could be classified today. Due to this historical legacy, many judges are still burdened today with administrative duties. According to Yeung, "with the judicial backlog growing in recent years, it is even more unacceptable today that judges continue allocating a significant portion of their time to administrative duties. This inefficient way of allocating human resources seems to be one of the main reasons why Brazilian courts are inefficient." (Yeung, 2009, 5) In addition to proposing modifications of outdated procedural and legal requirements, the reform project of the Brazilian Congress is also

targeting many less than savory customs of the judiciary. For example, at the institutional level, it contemplates the establishment of external oversight of the activities of the judiciary. Yet, although this oversight is to be only administrative and budgetary, most of the magistrates oppose it and view the project as interfering in the independence of the branches. The project also recommends the creation of ombudsman offices at the federal and regional judiciary establishments. Finally, it proposes reducing the privileges granted to the servants of the judiciary system. For example, it recommends an experience prerequisite of at least three years before a lawyer can be selected as a judge. It also proposes the cancellation of the two-month annual recess granted to the judiciary system's workers. Another factor that affects the judiciary is that the elites often feel that the judicial system is "owned" by them. The poor conversely, feel like it fails them, so that they tend not to trust judges. (Avritzer, 2002) This dichotomy helps no one and further undermines democracy in Brazil

These changes, along with the difficulty the reform project has been facing in the Congress, are a good indication of the parochial nature of the Brazilian judiciary's bureaucracy. This fact is even more remarkable if one observes that the project does not even touch on two other highly difficult issues. One, according to Bitencourt, is the extinction of Brazil's tainted-by-corruption labor judiciary system (Justiça do Trabalho), a system particularly criticized by opinion leaders and nongovernmental organizations. Another focus of controversy is the prosaic nepotism widely disseminated within the judiciary system and thus considered a legitimate right by most judiciary servants and judges. Altogether, these facts communicate to society a poor image of the judiciary, which feeds the society's distrust of its public safety system. (Bitencourt, 2003) Overall,

the judiciary is far removed from everyday life in Brazil. The judges are from an elite class and paid many times the wage of an average worker. According to a 2007 survey in the Brazilian magazine *Veja*, the median salary for a judge was R\$13,956 per month with a starting salary of R\$12,700 a month. Finally, with tenure, a judge can earn nearly R\$260,000 yearly. This is almost ten times the salary of even a starting lawyer that can expect to make about R\$1,671 a month, initially and stands in stark contrast to the average Brazilian per capita income of currently 1,600 Reais (about US\$960.00) and a minimum salary of 545 Reais. ("O ranking dos salários, 2007).

### **The Penal System**

The penal system in Brazil is under the responsibility of the Ministry of Justice through the *Conselho Nacional de Política Criminal e Penitenciária—CNPCP* (National Council of Criminal and Prison Policy) and the *Departamento Penitenciário Nacional—DEPEN* (Federal Prison Department). These entities oversee the two main types of penal institutions in Brazil called correctional institutions and detention institutions respectively. The first type includes penitentiaries, custodial and treatment facilities, penal and agricultural colonies, and general correctional facilities. In total, Brazil relies on approximately 5,000 correctional penal institutions, including 51 correctional institutions 27 penitentiaries, 6 custodial and treatment facilities, 12 agricultural colonies, and 6 correctional facilities. The second type of penal institution is composed of military prisons, detention centers, and juvenile correctional institutions with 12 military prisons, 1,580 prisons, 2,803 jails, and 5 facilities for minors, which are generically categorized as detention institutions. By the end of December 2000, 212,000 inmates were incarcerated

in the detention system. (Zaverucha, 2000) Given the chronicled wrongdoing and mismanagement of the Brazilian penal system, problems abound: prisons are overcrowded, riots are frequent, and violence and killings within them are common. Escapes, either by spectacular breakouts or simply by bribing prison guards, are common. In addition, as Fernando Salla observes, Brazil's prison system is plagued by "torture and mistreatment of inmates...a lack of medical, social and legal assistance for inmates and an insufficient number of work and educational programs" (Salla, 2001; 8) Finally, the press reports that organized crime groups have been able to maintain command over criminal operations from inside prisons. (Salla, 2001) With all these weaknesses, the penal system has become more part of the problem of, rather than the solution to, crime and violence in Brazil. As is evident from the statistics, the number of deaths in detention facilities, prisons, and among young parolees remains disproportionately high. As Pinheiro stated, "Throughout the country, the impunity of state officials is virtually assured, giving support to those waging an unofficial war on the masses, which are thought of as undesirable and subhuman". (Pinheiro, 2002, 117)

In this history of modern Brazil, no situation better reflects the problems caused by prison overcrowding than the Carandiru massacre of 1992. To give some background, Carandiru Penitentiary was a notorious prison housing over 8,000 inmates in São Paulo. It was designed and built by Samuel das Neves in 1920, when it was considered a model-prison to meet the new demands of the 1890 Brazilian criminal code. As time passes, the government failed to spend money on upkeep and the institution fell into a cycle of neglect and a state of woeful disrepair. It was operational from 1956 to 2002 and, at its peak, was the largest prison in South America. In 1992, a massacre was triggered by a



prisoner revolt within the prison. The police made little if any effort to negotiate with the prisoners before the military police stormed the facility, as the prison riot became more difficult for prison guards to control. The resulting casualties were 111 prisoners killed: 102 from gunshots fired by the military police and nine from stab wounds apparently inflicted by other prisoners before the arrival of the police. None of the sixty-eight police officers were killed. Survivors claimed that the police also fired at inmates who had already surrendered or were trying to hide in their cells. To this day, it is a shameful testament to the Brazilian prison system. While, this episode caused many improvements to the penitentiary system, the underlying problems are still present, too many prisoners and not enough funding. (Varella, 1999)

### **Government Reforms**

Despite the shortfalls, the Brazilian government has been attempting to make important progress in the sector of public security. The law 489b approved in May 2007, for example, facilitates the cooperation between municipal, state and national levels of government for initiatives in the area of public security. This is an important initiative to break what had been a battle for funding and a subsequent exchange of blame between the three levels of government. Another important initiative was taken in 2003, when the Brazilian Congress approved what became known as the "Disarmament Statute," a set of measures to curb the proliferation of firearms in the country. One of these measures requires that the registration of firearms should be renewed every three years or there is a risk of a prison term that varies from 1 to 3 years along with heavy fines. While the attempt to outlaw the sale of guns to civilians was defeated in a national referendum in

2006, intelligent public policies and legislation such as the "Disarmament Statute" are already yielding positive results in the fight against violence. As a 2007 study by the Ministry of Health shows, the "Disarmament Statute" played an important role in reducing by 12 percent the number of deaths by firearms between 2003 and 2006. (Salla, 2001) Also, the homicide rate has fallen in the last years. According to the Ministry of Health, the homicide rate for 2005 was 25.8 per 100,000 inhabitants and preliminary data suggested that for 2006, this rate had fallen to 24 homicides per 100,000 inhabitants. (Zaverucha, 2000)

What may be the most important advance in the area of public security is the government's encouragement of a new approach to violence, characterized by the involvement of civil society, partnerships with the private sector, and the recognition of the importance to control crime by preventing it. Launched in early 2007, the National Program for Public Citizenship and Security *Programa Nacional de Segurança Pública com Cidadania*, allocated R\$4.8 billion toward actions that integrate security policies and social interventions in the 11 most violent metropolitan areas of the country. The goal is to fight the social and cultural causes of the crime with a mix of preventive, controlling, and repressive actions, all of which will be coordinated between the national, state and municipal levels of government.

### **The Costs and Impact of Violence**

While the advances that are being made in the public security sector continue to be promising, Brazil currently suffers enormous economic losses due to the widespread violence in the country. According to a study by the Inter-American Development Bank,

the annual cost of violence in Brazil is US\$84 billion or 10.5 percent of the country's GDP, including public sector, individuals and enterprises expenditures as well as patrimony losses. The deficit of investment in public security has led to a boom in the private security business. This private security business segment is one of the fastest-growing sectors of Brazil's economy. In 2000, the Federal Police registered some 4,000 firms with 540,000 employees offering private security services, along with many other unlicensed providers. (Human Rights Watch Report, 1996)

While violence and criminality in Brazil may still be concentrated within certain geographic areas and demographic segments, its impact pervades all of the country. A recent survey has found that 59 percent of all residents of Rio de Janeiro do not feel safe when they walk the streets of their city. (Human Rights Watch Report, 1996) In Recife and São Paulo the percentages were 58 and 57 percent respectively. As violence and criminality is also an issue of perception, emotion, and quality of life, it is fair to say that Brazil's security situation is sufficiently precarious that it affects the everyday life of the country's citizenry.

From 1996-2000, the number of robberies in the State of São Paulo increased from just over 4,600 in 1996 to more than 5,400 in 2000. (Folha de São Paulo, 2000) Public concern about this spiraling crime has become the number one issue for the public. According to a study funded by *Veja* magazine, concern about crime has surpassed both interest in the state of the economy and inflation. (Veja, 2000) Due to the existence of crime and violence in Brazil, especially in its largest cities, many residents have been forced to change their daily behavior. An example comes from São Paulo and Rio de Janeiro where an estimated 47 percent and 51 percent respectively of respondents avoid

going out at night because they fear being a victim of violent crime. Moreover, 29 percent of Paulistas and 45 percent of Rio de Janeiro residents say they avoid certain parts of their individual cities in order to avoid high crime areas and the risk of being assaulted. (Cardia, 1999) These statistics have caused interesting outcomes in Brazil. For example, “The lack of security of the common citizen has promoted and stimulated the sprouting of thousands of new companies of private security...In these companies were working 833,361 security guards, in other words, there were 60 percent more security guards than policemen in our country.” (Campos, 2005) However, and more important to the interest of this study, this fear of going out and the fear of encountering unknown others in the public sphere, threatens to empty out the Brazilian public sphere and undermine its democratic potential.

### **Reactions and their Consequences**

Out of practicality and even desperation, the middle and upper classes in Brazil are increasingly looking to the armed forces as the solution to controlling the dual problems of crime and violence in its urban centers. (Zaverucha, 2000) According to the *New York Times*, “even the simple announcement on October 31<sup>st</sup>, that the military would take control of Rio's police forces apparently was enough to cause crime to drop in the city, the nation's second largest. In the first two weeks of November, car thefts were down 10 percent, bank robberies were halved and murders were down 75 percent from the comparable period in October.” (Brooke, 1994; World) Since this occurred back in 1994 there have been a myriad of successes and failures when it comes to the military acting as a police force. There are two paramount reasons for not using the military to fight crime

according to experts. The first reason is immediately evident and practical, the armed forces are simply not trained or prepared operationally to combat crime; their primary mission is the defense of Brazil's sovereignty in the face of external threats. The armed forces' doctrines, training, equipment, and structure are not compatible with police operations; in essence, the military are trained to act decisively and with force. The military do not have the mandate or skills to conduct police investigations under an elaborate system of legal processes. Using the military for law enforcement purposes may result in the use of excessive violence and destruction, and it raises the risk of demoralizing the armed forces. Finally, the Brazilian military, as has often happened with the police, would be exposed to corruption should they assume crime-fighting functions.

An example of what can go wrong when the army acts as a police force comes from 1997. On November 22<sup>nd</sup> of that year, two soldiers were robbed of their guns near the Villa Militar de Deodoro, a neighborhood in the city of Rio de Janeiro. The army decided to counterattack and the subsequently organized a military operation in Muquiço, a favela near Rio de Janeiro. Having not found any of the stolen guns, the soldiers of the Eastern Military Command, wearing camouflage and ski masks, invaded twelve notorious favelas in their combat vehicles with blacked out number plates. In addition to the Brazilian made Urutu armored personnel carriers, the soldiers even used an M-13 tank for the invasion. During these operations, drivers were forced to stop and identify themselves and were submitted to random searches. In addition, women and school children were searched and many houses were invaded and searched without proper warrants or cause. This operation was, originally, an exercise to find only a couple of stolen guns. This use of overwhelming force, however, clearly shows that the military

are trained differently than the civil police. It is not easy to underestimate the impact of using the military to combat urban guerrillas. (Zaverucha, 2000) The secretary-general of the Brazilian Bar Association, Ercílio Bezerra, released the following statement regarding the military invasion of the favela called Muquiço in 1997. Bezerra states that

The residents of those shantytowns in the specific case of this military operation, and in the same way this systematically occurs in conventional police operations, were treated as if they were convicted persons. As usual, the constitutional principle of the presumption of innocence was disregarded because the people involved in the incident were poor. [The defenders of the rule of law] demand that the public powers, especially the president of the republic, from whom the prerogatives were usurped, take immediate action to restore public order.”

(Castro, 1997)

What was so prescient about this military operation was that President Cardoso, at the time, remained silent on the issue. The Governor of Rio de Janeiro also remarked that he believed the operation was legal though he did not gain any knowledge of the affair until after it had happened. (Zaverucha, 2000)

The second and probably more important reason why the army is probably not the solution to Brazil's crime problem derives from the peculiar history of military interference in Brazil's political affairs. In effect, 20 years of military dictatorship have had a strong influence on all Brazilian government sectors, and particularly on the public security apparatus, that has affected the structures and doctrines of public security as well as society's perception of the issue. Without question, the military dictatorship that was in power from 1964-1984 is still a sensitive issue in Brazilian politics, and some critics remain resentful of the extraordinary command the military achieved over all sectors of

the country. Others even blame the dictatorship for having “militarized” the public security apparatus by creating a military police force and thereby institutionalizing state violence. (Dudley, 1998) Ironically, this is precisely why the police forces were broken up into civil and military police in the 1988 Constitution. It is apparent that this is neither an efficient way of fighting crime nor an optimal way to have the police forces organized. As President Itamar Franco learned in 1994 when he ordered the military to intervene and enter some of Rio de Janeiro’s worst favelas, using the military is not an option that is guaranteed to work. Enrique Arias wrote extensively on how criminals manipulate the local residents in the favelas so that they are less cohesive and unable to build effective networks to fight them. In essence, the criminals also use internal conflict and “the specific structure of networks to undermine network cohesion. To succeed, therefore, network members must be aware of the problems they can confront and must work to keep communication channels open. Only through mutual cross-institutional support can networks overcome challenges from criminals.” (Arias, 2004; 31)

According to Luis Bitencourt, however, this is not a fair criticism because the existence of military police under the command of state governments is an old tradition in Brazil. It is true that in the period between 1964 and 1984, the military government incorporated these state police forces, both military and civilian, into the fight against what they termed “subversive activity”. Their involvement was based on the “National Security Doctrine,” which created a complex domestic intelligence apparatus. The resulting agencies, such as the National Intelligence Service *Serviço Nacional de Informações*—SNI and the National Intelligence System *Sistema Nacional de Informações*—SISNI had control over all federal and state government institutions,

including the intelligence collecting sections of the military police. Therefore, the military dictatorship established an apparatus that could directly control the military police organizations within each state. Control was exerted directly, through the IGPM- General Inspectorate for the Military Police, and indirectly, through the intelligence system as military and civilian police forces participated in the SISNI. In short, through the Secretary General of the National Security Council *Secretaria Geral do Conselho de Segurança Nacional- SG/CSN*, the armed forces issued the general guidelines for national security, including public safety; through the IGPM, they exerted effective coordination and control over the military police forces; and, through the SISNI, they maintained a veiled control of the police forces while securing their authority over the intelligence organizations of the civilian and military police. (Bitencourt, 2003)

This policing model mentioned previously, was not altered until then Brazilian President Fernando Collor de Melo became the second civilian to succeed the military dictatorship as President in 1990. In the first act of his administration, Collor dismantled the Secretariat for the Advising on National Defense *Secretaria de Assessoramento da Defesa Nacional- SADEN* and the National Intelligence Service *Serviço de Inteligência Nacional- SNI*. By pushing the military back to its traditional role outside of the political arena, Collor gave back to citizens the right to exercise political power. Thus, he took apart the philosophical structure for the concept of public security in Brazil on which the military dictatorship had relied for more than twenty years. All of this served to weaken and ultimately break-up the military controlled security apparatus. There have been some extremely positive developments in Brazil to address some of the problems that I have previously examined. The Brazilian state is now more actively cooperating with civil



society. Examples include a witness protection program that is being coordinate by an NGO in Recife. This is due to the fact that many of the witnesses to violent crimes face extraordinary risks. In other cities such as Fortaleza, Rio de Janeiro, and São Paulo, police ombudsman and ouvidoras were created. The primary role of these entities is to receive citizen's complaints and then demand an investigation from government officials. In addition, the federal government has encouraged the creation of these "ouvidoras" in all state capitals. Besides these organizations, secretaries of state, judges, state attorneys, and governors have all contributed to the fight for rule of law. (Pinheiro, 2002)

### **Governmental Actions**

In 1996, the federal government launched the National Human & Civil Rights Program. The Ministry of Justice, in cooperation with the Center for the Study of Violence at the University of São Paulo, prepared this program and defined its mission together with hundreds of civil rights organizations throughout Brazil who decided on 260 proposals to strengthen civil and political rights. This plan expressed the need to completely and unconditionally control endemic violence and structural violence against the poor, as well as the hunger and unemployment of the masses. In terms of immediate action, the program expressed the need to strengthen the rule of law in Brazil. During the thirteen years since its proposal, the majority of the proposed plans have been implemented, thus becoming a point of reference for the mobilization and organization of civil society, in partnership with state agencies to promote and protect civil rights. This is further evidence of strengthening civil society in order to deal with the endemic violence seen in Brazil.

Federal and some state governments are more often utilizing civil rights language when enacting laws. Accordingly, the Brazilian constitution of 1988 has an authentic bill of rights and all of the international and inter-American civil rights conventions were ratified. Also, in the document, torture and racial discrimination were criminalized, as was carrying firearms without a license. Also, in a break from the past, the civil justice courts in Brazil now have the right to judge homicides committed by the military police. (Pineiro, 2002) From an operational standpoint, civil society organizations like the International Red Cross Committee have trained thousands of military police on respecting civil rights within the framework of their jobs. These are all positive developments for Brazil and shows and the further advancement of civil society in Brazil.

### **Conclusion: Brazilian Democracy in Peril**

Since the return of civilian government in 1985, Brazil has been holding regularly scheduled elections for all its political offices. In addition, popular participation is excellent and the process is seemingly efficient and reliable. Corruption, which is endemic to most Latin American democracies, has been addressed in Brazil to some extent. In 1991, President Collor de Melo was impeached and ousted on charges of corruption and this went a long way in strengthening Brazil's democracy and its democratic institutions. In the political campaigns of 2002, it is clear that they took place and showed no signs of weakness in the face of escalating urban crime and violence in the country. Nevertheless, the issue of crime was of paramount importance during the election as all candidates pledge to stop the rise in crime. This debate on crime and security was more heated in regional campaigns and in states most affected by urban

violence, such as Rio de Janeiro, São Paulo, and Pernambuco. According to Luis Bitencourt, “because state governments have the primary responsibility for public safety, the political implications of crime and violence have been relatively limited to this sub-national level and have not achieved a broader political impact proportional to the concerns raised in the news.” (Bitencourt, 2003) While the direct result of crime and violence may be geographically limited, this feeling of insecurity and lack of faith in the authorities can spread through the country and eventually undermine the political system. So while urban crime and violence pose no are serious threats to Brazil’s political structures and procedures, all of which seem to be functioning well, violence does affect Brazil’s public sphere, by making it impossible for Brazilians to reach collective decisions through inclusive, deliberations that typically happen in the public sphere. Furthermore, as the analysis of the different government branches has revealed, abuse and bias has undermined the trust in public institutions to the point where elites Brazilians think of the state as their private domain, whereas historically marginalized groups perceive the state as instrumental to their exploitation.

As Luis Bitencourt wrote, “In contrast to a minimalist definition, a more complex concept of democracy entails consideration of the capacity of the regime to bestow social and civil rights, in addition to political liberties, to its citizens.” (Bitencourt, 2003; 13) If we look historically at civil rights in Brazil, it is clear that they have been impaired by poverty and inequality. At the same time, civil rights have been impaired by a lack of protection against police brutality and violence. As a consequence, growing urban crime, violence, impunity, and the inability of the state to provide adequate public safety, directly affects the prospects for improving Brazilian democracy.

Holston and Caldeira argue in their writings that civil rights in Brazil are not inherently guaranteed to all its citizens. To those with the means and wealth, namely the political, social, and economic elite, civil rights are simply treated like entitlements. To the poor, however, civil rights are just empty promises as there is neither security nor protection consistently provide by the state. This is not to mention the clear lack of due process and the absence of the right to a fair and speedy trial. Civil rights, according to the authors, are not rights but privileges reserved for the elites. (Agüero & Stark, 1998) These arguments are crucial to what I am speaking about in my discussion of the current and historical states of the judiciary, police, and penal regimes in modern Brazil. In the end, I discuss these different branches of the Brazilian state to show that they do not work in the same way for all citizens of Brazil. In practice there is no true equality for everyone, as class, race, and education make a difference in how you are treated by the legal, judicial, and enforcement mechanisms of the state

This unequal treatment nurtures distrust in the state itself as well as politics as a whole. It also undermines trust in public policies, and coupled with a divided public sphere, contributes to an undermining of democratic legitimacy. If more is expected of a democratic state than the insurance of regular and fair elections, it becomes clear that the Brazilian state is failing its citizens by not providing the same amount of protection and security to all its population.

### **CHAPTER 3: THE VIOLENT LEGACY OF PATRIMONIALISM**

In the previous chapter, I have laid out the reasons why violence is so pervasive in modern Brazilian. In addition to the state being inefficient when it comes to delivering the mechanisms necessary for effective public security, there is also a demonstrable lack of political will to make many of the political and social changes necessary to reduce the levels of violence in modern Brazilian society. Besides these political issues, there is the social reality that there is endemic inequality and grinding poverty in Brazil. In this chapter, I will look at certain factors that have molded the history of Brazil's institutional development. This provides a better framework from which to understand the legacy of violence and the root causes of this violence in modern day Brazil.

In the field of political science, there are many components that are said to define the roots of nationhood and what it means to be part of a given nation and its institutions. When taking such a holistic approach to analyzing and defining these components of, for example, Brazilian society, it is clear that Brazil is composed of many conflicting institutions. These institutions, with their disparate aims and goals, are often in conflict with both their mission and nature. The roots of today's violent society in Brazil can be understood and defined by certain primary institutions according to Bernardo Sorj. He classifies these elements as capitalism, patrimonialism, the rationalizing state, social inequality and heterogeneity, citizenship, the non-cumulative logic of organizations, and

sociability patterns. (Sorj, 2005) Through these seven components, the basis of violence and its persistence are more easily comprehensible. I will, subsequently, use Sorj's framework as a guide by which to begin the discussion of these institutions and how they engender the causality of violence in Brazil. While some factors are more important than others, they all play a role in Brazil's continuing struggle to become a more equitable and safer place in which its citizens can live.

### **Patrimonialism**

In first analyzing the concept of patrimonialism, it is important to understand the very definition of the word. For my research purposes, I define patrimonialism as a form of governance in which all power flows directly from the leader. From a political interpretation, this encompasses the blending of the public and private sector, which is seen correctly as corporatist. These patrimonialist regimes are autocratic or oligarchic and exclude the lower and middle classes from power. The leaders of these countries typically enjoy absolute personal power and often have a cult of personality built around their rule. With regards to Brazil, the word has been further expanded to describe the private appropriation of state resources more so than national patrimonialist leaders. . These activities are normally done by politicians and public servants or by members of the private sector for their own benefit. (Sorj, 2005) There are many examples, but in the Brazilian context, examples are best seen when analyzing appropriations of capital for the construction of dams, river and harbor improvement, bridge and highway construction, and various government procurement contracts. This kind of geographically targeted spending occurs in all political systems, but seems to be especially common in emerging

democracies such as Brazil. (Ames, 2000) This is normally labeled “ear marking” and “pork barrel”. More often than not, these activities tend to occur around election time as was evident in this year’s Brazilian Presidential election where many of the candidates were accused of buying favors or even votes indirectly. The idea of buying votes through paternalistic policies of giving to the lower classes has even been embraced by the center-right opposition Presidential candidate Jose Serra who “has campaigned on the anemic slogan of “*Brasil pode mais,*” or “Brazil can do more,” indicating his support for the core policies of the Worker’s Party *Partido dos Trabalhadores* (PT) government, while belatedly adding a populist promise to raise the Brazilian minimum monthly wage to 600 reais, about USD\$360.” (Van Auken, 2010; 4)

The fact that this situation exists is in contrast the more ideal type of liberal, developed, and modern democratic society whereby the state is totally separated from the market and is an independent actor. (Sorj, 2005) There are many empirical examples of this accumulation of power in the hands of some traditionally powerful families in Brazil including the family of former President Sarney and the Marinho family, whose members and friends are innately powerful while being well connected politicians. In addition, it is a widely held outside assumption that the bureaucratic agencies of Brazil’s government comply with universal rules and norms of government. In reality, they are supposed to be the channel for projects that are presented through political representations that are grounded in civil society. This is, of course, not the case as the elite use and make the government work for them.

In a wide variety of historical literature, the concept of patrimonialism is most often connected with the so-called Iberian and Mediterranean world and the colonies that

they developed in the New World. One fact is always clear; that for patrimonialism to survive, it must serve the needs of the groups it serves. (Roett, 2010) Many social observers have concluded that patrimonialism is seen to a greater degree in societies where the distribution of wealth and power is unequal. This is the case in modern Brazil, where power has often been concentrated in the hands of the elite. Patrimonialism is connected to not only the excess of violence in modern Brazil, but also to the country's extreme social inequalities. As I have shown on numerous occasions and in a myriad of situations, the countries elites often operate with total impunity in matters of justice and policing. In many ways, by reinforcing social inequalities and tolerating this impunity, patrimonialism comes in conflict with the modern and progressive society that Brazil strives to be. Additionally, it undermines the concepts of individualism and citizenship that are inherently important to modern democratic societies. (Roett, 2010)

In Brazil's case, much of the inequality stems from the state's inability to control or regulate certain societal mechanisms. These mechanisms give the state the ability to enforce minimums that control a social infrastructure and thereby ensure all citizens a minimum standard of living. In the end, the existence of patrimonialism undermines this function so it becomes a major source of inequality and its very existence undermines the value of democracy, individualism, and even justice in the case of modern Brazil. (Sorj, 2005)

Throughout the late 19<sup>th</sup> and well into the 20<sup>th</sup> century, an unprecedented realignment took place in Brazilian society. Simply put, power and population suddenly shifted from large feudal landholders to the growing proportion of individuals living in the cities and newly formed urban areas. On one hand, social relationships in the



countryside changed profoundly, yet, on the other hand, patrimonialism in no way disappeared. The political power of the many large landowners diminished and this ended patrimonialism in its traditional agrarian sense, but it remained ingrained in the national memory and just transferred to the new urban environment. In the formal and traditional sense, patrimonialism by the 20<sup>th</sup> century was long gone and the system itself had little need to continue as society moved to the more urban environment. Ironically, it did continue and remnants of patrimonialism that are present in modern Brazilian society and are certainly well entrenched. The Brazilian society of today can still be said to have difficulty controlling the tensions produced by the separation of the economic from the socio-political spheres. (Adorno, 1984)

Extralegal violence is supported in overt and tacit ways by the elites and middle class in order to control the masses, which are often of a lower class and darker color. This support often allows the police to act with impunity in the name of protecting elite society from the violent masses occupying the public spaces of Brazil. This legacy can be traced back, once again, to the patrimonialist legacy of Brazilian society and its inherited history from the colonial era. It is helpful to look at this legacy in different parts as Sorj did. (Sorj, 2005) Firstly, there exists the patrimonialism of politicians whereby their own elected or appointed offices are used to gain personal economic advantages by exploiting public resources for personal gain and special privileges. This is also compounded by the fact that the Brazilian political system is rife with nepotism. Furthermore, the civil service system, including the military and civil police bureaucracy, is plagued with corruption and they are confusing and often multiple centers of power and influence.

As I mentioned previously, it is commonplace for Brazilian officials to use their offices to secure kickbacks and bribes and thus exert control over the judiciary and control public expenditures. In many ways, the power to control money is the power to control almost everything. In interesting example of this comes from the state of Bahia, which Reiter termed the prototype state for the broader dynamic of exercising power known as *Carlismo*. (Reiter, 2008) According to Reiter, “*Carlismo*, stands for the practice of clientelism and the associated logic of domination through paternalism as practiced by the last senator Magalhães. But *Carlismo* is far from exceptional and reaches beyond the practice of senator Magalhães.” (Reiter, 2008; 343)

In further explaining the violent nature of Brazilian society how it became this way, it is important to delve into the arena of what can be called private patrimonialism. By definition, this is the appropriation of public resources by private agents and then generally overcharging the state in public bids. (Simpson et. al., 1989) This endemic form of patrimonialism is alive and well in Brazil and has spawned a class in itself that Sorj calls a state-contractor bourgeoisie. (Sorj, 2005) This paternalism magnifies the lack of efficiency in the Brazilian government. For example, elites do often benefit by obtaining low interests loans and never pay them back to the state. Companies, due to ineffective regulations, are able to release pharmaceutical have been awarded excessively generous judgments in juridical actions against state authorities or departments. (Erickson, 1977)

Finally, it is important to look at another phenomenon, which can be broadly described as a negative patrimonialism. This is the use of power to discriminate against a certain social group or prevent that group from attaining any meaningful amount of power in their own right. In Brazil’s difficult racial history, the use of political power has

often been used to ensure that Brazilians of African descent were denied many of the rights afforded to Brazilians of European stock. As such, Brazil's legal system and its police have discriminated against the poorest segments of the population, especially blacks. (Fausto 1984) As Reiter also wrote, "on the societal level, Bahian civil society has proven neither sufficiently strong nor autonomous enough to pressure the state to act on behalf of the historically excluded." (Reiter, 2008; 349)

### **The Rationalizing State and Capitalism**

In addition to patrimonialism, other factors have had a decidedly negative influence on violence in Brazil. Among the institutions that have been discussed, any and all of the have the potential to undermine Brazil's democratic development. The rationalizing state should be looked at as another reason for the persistence of violence in Brazil. As he remarked in an essay, "during the second half of the twentieth century, the Brazilian state grounded its legitimacy basically on its ability to generate economic growth, while it neglected social dimensions, especially education, housing and health care." (Sorj, 2005; 7) This neglect caused a lack of investment in traditional poverty reduction measures and crime prevention programs. It also ensures that the elite would continue to support the successive military governments.

Another key area that is important to this thesis is the ways that capitalism and social stratification interact in the Brazilian economic model, which is basically capitalist in nature. As Sorj stated, "it is impossible to understand social stratification in Brazil without relating it to the way it interacts with and builds upon its relation to social policies and patrimonialism." (Sorj, 2005; 10) Like other capitalist countries, the social

structure in Brazil is molded by and based on a set of institutions that were created by historical forces and for a myriad of reasons. It is clear that patrimonialism, the level of social inequality, the rationalizing state, the specific forms of sociability, and of citizenship can't be deduced from the capitalist character of Brazilian society, although all these institutions may have been influenced by and refashioned through their roles in the process of capital accumulation. (Roett, 2010)

When looking at the prevalence of violence in Brazil and its myriad of causes, it is also helpful to look at how these problems intersect with the free market arrangements present in the country both presently and historically. In explaining the causes of violence, one could take the traditional liberal position that the inefficiency of the state and its inability to deal with the situation is simply because there has been an inadequate application of market rules related to excessive state intervention in the economic sphere. This would also explain the continued existence of patrimonialism in modern day Brazil, as it is simply effective in doing what the state has historically been unable or unwilling to do efficiently. From a left leaning paradigm, this same situation can be viewed through a slightly different prism in that patrimonialism as merely exploitation of the working classes by bourgeoisie. Either way, capitalism has left an indelible mark on Brazilian society and as the economy has grown, so has the income gap between rich and poor. Brazil is the most outstanding since 10 percent of the richest absorb 50.6 percent of all income compared to the 0.8 percent going to the poorest ten percent. (MercoPress, 2010)

## **Social and Economic Inequality**

In continuing to look at the institutions that compose Brazilian society, there are other factors that are just as important as patrimonialism in explaining why Brazil is a violent society. It also helps to explain why social inequalities continue to exist and are difficult to completely erase from the modern reality of Brazil. As Sorj wrote in his paper called *The Seven Faces of Brazilian Society*, “it is impossible to understand social stratification in Brazil without relating it to the way it interacts with and builds its relation to social policies and patrimonialism.” (Sorj, 2005; 22)

Economic inequality in Brazil is easily but not exclusively manifest in consumerism. The simple fact remains that a vast majority of the country’s poor cannot afford to buy consumer goods beyond very basic products. Certainly, goods such as electronics, cars, and jewelry are completely out of reach for a vast majority of the population. In measuring differential access to consumer goods, it is quite easy to see there is a wide division in Brazil. What is more problematic, according to Sorj, is measuring the differential access to collective goods and services offered by and normally guaranteed by the state. This would include garbage pickup, electricity, running potable water, telephone, sewerage, education, and healthcare. Because more than one-third of Brazil’s population has not completed primary school, there is a huge gap in economic terms between those that are illiterate and those than can read. (Sorj, 2005) In essence, even if these guaranteed state services were available, many poor and illiterate people would not know where to apply for these services. Thus, a lack of education and social services continues the cycles of poverty. In addition, many government agencies and utility providers won’t enter the shantytowns as they are

viewed as illegitimate so services are even further out of reach for favela residents. According to Francesca Frayssinet, once again, “what is singularly Brazilian is the importance of these social gaps, including basic infrastructure, violence in poorer neighborhoods, and educational inequality.” (Frayssinet, 2009; 3) These problems are still prevalent and have worsened due to the social policies promulgated by the many successive military governments in power from the 1960’s to the early 1980’s. During those three decades, there was explosive growth in Brazil’s urban centers and a huge demographic shift to these areas. This influx of people to the cities en masse made social inequities even more pronounced. Politically, the military regimes placed social issues at the bottom of their agenda. This legacy is evident today with Brazil’s poverty and crime rate improving little in the past thirty years.

Another important aspect of social stratification is that fact that its central tenet is based on unequal access to the aforementioned types of public goods we often take for granted. In reality, a person’s residence defines access to public services such as running water, sewerage, education, and the proximity of health care and ambulance service. In my thesis, however, the most important contribution that Sorj makes is his remark that “(a person’s place of residence) defines the kind and amount of police coverage and (un) protection from crime.” (Sorj, 2005; 13) Clearly, if you live in a favela, you have less police presence and protection from crime. On the other hand, in the middle class and upper class neighborhoods of Brazil, there is always an abundance of police officers that are often supplemented by gates and security barriers as well as an army of private security officers. This contributes to many urban areas becoming walled off and cities becoming a series of enclaves, with residents living separate, parallel, and unequal lives

in the same country. Teresa Caldeira wrote about this duality in her article *Fortified Enclaves: The New Urban Segregation*. She wrote, “the proliferation of fortified enclaves has created a new model of spatial segregation and transformed the quality of public life...fortified enclaves are privatized, enclosed, and monitored spaces for residences, consumption, leisure, and work...they appeal to those who are abandoning the traditional public sphere.” (Caldeira, 1996; 303) Brazil is, in many ways, multiple societies living side-by-side, interdependent yet often ignoring that shared fates of each other. Upon final analysis, the City of São Paulo is one of the world’s largest metropolitan areas with one of the most unequal distributions of wealth in the world. As a consequence, “the character of public space and of citizens’ participation in public life changes.” (Caldeira, 1996; 303)

### **The Mutability of Brazilian Institutions**

Another facet that is important to look at when analyzing the persistence of violence in Brazil is the non-cumulative logic of Brazilian institutions. The Brazilian polity is dynamic in such a way that new institutions and organizations are created so frequently that they are often quickly obsolete and condemned to that fate almost as rapidly as they are created. What this means is that “this perpetual movement is the discontinuity in the allocation of resources, blind spots voids in the chain of command, and the tendency of each new government to see himself as the founder of a new era.” (Sorj, 2005; 14) Depending on how one looks at this, it shows that Brazil always has a seeming willingness to try new things and new initiatives compared to more staid nations such as those in Europe or North America. A more pessimistic view would be that Brazil’s

institutional system is so fragile that is rendered ineffective and is not able to deal with the problems of society. In the prism of what this thesis is looking at, the mutability of Brazil's institutions means that they are less than effective in fighting poverty, corruption, and thus violence in the society.

### **Citizenship, Representation and Patterns of Sociability**

Besides the factors that I have already discussed, there are two more factors that seem relevant when trying to explain Brazil's violence. These are the concepts of citizenship and the concepts of political representativeness in Brazil. Roberto Schwartz describes liberal institutions in Brazil as having misplaced ideals, where social practices contradict the principles formally embedded in the Brazilian legal system. (Schwartz, 1977) What he meant was that Brazil is a representative democracy and that all of its citizens can theoretically run for and be in public office. In actuality, mainly the elite hold office as they are the only ones that have the money and political prowess to mount an effective campaign, which demonstrates the concept of patrimonialism is alive and well in Brazil.

As I have indicated previously, the Brazilian state's inability to control violence has undermined citizenship in reality while theoretically Brazil is democratic. These factors all come together and produce an undermining of the Brazilian public sphere, as they erode the opportunities for Brazilians to come together. This has the effect of undermining the very nature of democracy in Brazil. In a poll conducted in 2008 by Senses, a Brazilian polling organization; showed an almost unanimous amount of Brazilians (86 percent) felt that one of the country's greatest problems is the absence of social justice and the impunity enjoyed by its most powerful members. (Pesquisa



Nacional, 2003) In the end, Brazilian democracy and citizenship is under pressure and the violent nature of conflict within Brazilian society will continue until certain conditions of social equality are met, especially in terms of access to collective goods like education, jobs, and social security. There are proven prerequisites to active participation in a modern developed democracy.

### **Violent Sites: The Rural and the Urban**

When looking at the many published statistics on crime and related criminal activities, it is clear that despite the country's characteristic playfulness and fun loving reputation, Brazil is a very dangerous place. In Brazil, violence is prevalent everywhere, not just in urban slums. The fact is that violence is of a different character in rural areas than in the urban areas but it exists nevertheless. Of course the violence seen in Brazil is multi-dimensional and stems from a myriad of social problems. It's main source, "is the government's longstanding abandonment or minimal presence in regions where the poor and socially excluded are concentrated." (Cukier et. al., 2005; 242) This is most often prevalent in the rural areas of the Northeast where a majority of the population is not of European decent. This violence, furthermore, is disproportionately felt by those living in the mountainside favelas of large cities where they are ruled over by gangs of drug-dealers, who are at war and sometimes in collusion with the police. It is also in Brazil's poorer rural regions that large landowners still control large private armies that act with near total impunity and act as their own law enforcement.

## **Violence: The State and Police**

Violence is also rooted in the police themselves and the institution they serve in. Both the civil and military police are shown to be corrupt and still have not distanced themselves from the use of torture and the assassination of presumed delinquents and criminals, mostly from the lower classes. As I had mentioned in the previous section on the rationalizing state, this is another example of the state's inability to eradicate violence due to its very structural ineptness. Additionally, the failings of the police forces are widely known and frequently analyzed and discussed in the sensationalist Brazilian ones. In many cases, the residents of poorer areas have taken their security into their own hands or trust the drug gangs more than the police for their protection. An example comes from a favela near Rio called Jacarezinho, which is one of the most violent of all the shantytowns. One of its residents said, "I can sleep with my doors open because no one comes in to steal...the local drug gangs stand guard over the area, preventing robbery, rape and other crimes within the community. The problem is not the drug traffickers, but the police when they come into the favela." (Frayssinet, 2009; 8)

Furthermore, violence can be seen inside jails and detention centers throughout the country where large numbers of prisoners are corralled in substandard conditions that are filthy and breeding grounds for rebellion. Under these conditions, the prisoners suffer both moral and physical degradation, humiliation, and abuse. The middle and upper classes are not immune from violence. In fact, violence permeates all social classes whereby the middle and upper classes are subject to kidnappings, extortion, armed robberies, and muggings.

An alarming issue when analyzing the impact of violence on Brazil is the state's abandonment of certain public spaces. This social phenomenon is rampant as there are many urban areas where armed gangs of drug dealers work in collusion with members of the police force and the state has informally ceded all control of public areas within these areas to these illegal groups. This had lead to a situation where quasi-states are created and the legitimate state has no control. As such, this situation produces a psychosis of fear that triggers support for repressive policies and a complete disregard for civil rights. In addition, as I have previously mentioned, it allows for the police to operate with almost total impunity. According to statistics from the security forces themselves, "the Rio police force is one of the world's most violent, with around 1,000 people a year killed in incidents classified as shootouts with police" (Frayssinet, 2009; 10).

## **Conclusion**

In looking at how patrimonialism has fomented violence in modern Brazilian society, it is easy to see that the processes at work are both complicated and multifaceted. In play is a legacy of patrimonialist practices, political corruption, and impunity of the elites that have contributed to the erosion of public trust in the Brazilian state and its institutions. This makes the task of reforming what was once a predominantly patrimonial society into one that is more individualistic and democratic a primary goal of the democratization process in Brazil. Social relations that were predominantly based on traditional hierarchies have been transformed. Now, political processes and production are urban in nature with the power of the rural elites vastly diminished. This process began decades ago as the military regime's main legitimacy was by delivering economic growth and stability as

opposed to political freedoms and social equality. The military did this while failing to tackle corruption or increasing the public's confidence in the state to combat violence and crime among other social ills. From the early 1980's until the mid 1990's, Brazil was plagued by inflation and an inept state unable to deliver services to its citizens in an efficient matter. Persistent corruption scandals and distrust of the state and its politicians ensured that public did not believe the state could effectively control violence or provide a security apparatus that was impartial or even able to carry out its mission. With the stabilization of the Brazilian state and continuity of civilian rule, there is a real chance that Brazil's violent legacy can be changed for the future.

In the end, all the factors I have discussed end up undermining the Brazilian public sphere, as they erode the opportunities for Brazilians to come together. This has the effect of undermining the very nature of democracy in Brazil. As I have stated, my central argument is that for democracy to flourish, people from all economic and social classes must come together to form a more just and equal society that provides opportunity for all. In the end, democracy is severely restricted and endangered if those people trying to advance society are afraid to meet in the public spaces that should safe and secure for all members of the polity.

## **CHAPTER 4: THE PRECARIOUS NATURE OF DOMESTIC SECURITY**

In 1998, the United Nations General Assembly ratified a mission statement that said, “transforming cultures of violence into cultures of peace has long been one of the main goals of the United Nations.” (United Nations, 2004) This resolution resonates with the declared goals of many civil rights organizations within Brazil, both governmental and nongovernmental, that are interested in building a stronger culture of peace within Brazil and reducing the level of violence in the society. However, it is truly staggering to look at the impact of race and class on police violence, as it continues to hinder the achievement of these goals. Popular support action against criminal elements and the public’s indifference to police violence constitutes a major obstacle to building a stronger culture of peace in Brazil. Furthermore, attitudes about civil rights in Brazil are formulated not formulated only through international debate, but also through the daily experiences of a nation’s people. There is a paradox in Brazil in that the Brazilian polity supports police violence but as that as the violence spreads, those who support it may be more victimized by it.

In this chapter, I identify the relationships between every day experiences that are molded by a person’s class, gender, and race and then I explain how these experiences impact a person’s outlook and attitude towards violence. To do this, I have conducted a literature review and subsequent analysis of what experts believe are the impacts of race, gender, and class, on how those factors impact a person’s views on civil rights and the

appropriateness of extralegal violence.

I have examined, among other things, the research conducted in Brazil by The University of São Paulo Violence Studies Program *FAPESP-Fundação de Amparo à Pesquisa do Estado de São Paulo*. What this research shows is that race and class do affect a person's view on extralegal violence and their support of the punishment associated with it. I also assert that Afro-Brazilians are less supportive of extralegal violence while whites and those of the middle and upper classes will more likely support a stronger police presence and tolerate more extralegal violence. The social and cultural context of police violence in Brazil is the starting point from which to understand the public's support of such violence. In order to establish a context, it is necessary to look at the historical, cultural, and ideological environment in which people make sense of their life experiences. In the case of modern Brazil, I will at the role of race, gender, and social class in a person's support of police brutality and extrajudicial violence. Does race and class matter in regard to supporting extralegal police violence? The other poignant question is why many Brazilians are reluctant to define torture and extrajudicial killings as a violation of civil rights. (Bittar, 2008) In this study, I begin by analyzing and understanding the historical context under which Brazilians experience their everyday lives.. These inherent social and cultural beliefs about race and class are critical components to understanding support for such extralegal police violence.

## **Historical Perspectives on Violence**

Throughout recent history, the police forces in Brazil have often been employed to suppress the lower classes for the benefit of the wealthier middle and upper classes. (Holloway, 1993; 17) The historian Thomas Holloway posited that no Brazilian, from any social class, would concur that the historical role of the police force has been either legitimate or by given by consent. The majority of Brazilians have seen the police forces as “necessary agents of order and discipline,” (Holloway, 1993; 4) while mostly academic critics have seen the police as being the representation of the “authoritarian state in repressive action.” (Holloway, 1993; 5) Regardless of their perception, both the military and civilian police have played an important role in Brazilian politics.

If Brazilian history is used as a guide, it is important to remember that the country was under a military dictatorship for more than twenty years from the mid sixties until a return to civilian governance in 1984. It was commonplace for the military dictatorship to control its population by coercive means using the police while limiting civil liberties. As such, strict censorship rules were enforced and liberal ideas were limited. This produced a situation where many prominent students, journalists, artists, and professors simply disappeared or were expelled from Brazil. At this time, when nearly any action was seen as betrayal or espionage against the dictatorship, the military used various methods of torture to quell dissident groups. The widespread use of torture, however, was effectively shielded from the general public and its use did not become widely known until the military ceded power to a civilian administration in 1985. (Holloway, 1993)

In the early 1970's, Amnesty International published a report that detailed allegations against the military and its use of torture in Brazil. Prior to this report, the organization had received many complaints from former prisoners and victims of torture. When Amnesty International tried to investigate these claims, however, they were repelled at every juncture and received no cooperation from the Brazilian military. They did, however, manage to document many accounts of the torture by its victims. As such, these depositions led Amnesty International to conclude that the torture had been implemented by a "multiplicity of security services with torture that had been well studied and developed." (Holloway, 1993; 46)

If history is evaluated, then it becomes clear that the Roman Catholic Church also played a very significant, if not the most significant, role in documenting and chronicling the use of torture by the Brazilian military during the so called "lost years" of the military dictatorship. The Archdiocese of São Paulo, as an example, secretly recorded the uses of torture and later published a book called *Brasil: Nunca Mais* in 1985. Within the first month of publication, the book was the number one selling book in Brazil and remained on the bestseller list for 91 weeks. In 1998, it was named one of Brazil's "all-time best selling nonfiction works." (Dassin et. al., 1998) Although the military returned power to a civilian administration some twenty-five years ago, there are still lasting psychological scars endured by many Brazilians. The military is still seen in a negative light for some and people are still morally repulsed by the events that took place nearly a quarter century ago. (Rohter, 2004)

It is quite puzzling and complicated to reconcile the attitudes of the Brazilian public when it comes to support for extralegal police violence. An astute example is that



the public is deeply scarred and sensitive to the legacy of the military's violence against the Brazilian citizenry during the dictatorship. This outrage over the systematic torture of Brazilian citizens by their own army some 25 years ago is juxtaposed, however, against the modern reality that many people in Brazil are indifferent towards similar violence directed against criminals by the civil and military police forces. Teresa Caldeira (2000) goes through great lengths in her book *City of Walls*, to analyze the sources and logic of popular support for a violent and corruptible police force that coexists with a high victimization of working-class people. She argues that the roots of this paradox are found in the Brazilian state's long history of disrespect for civil rights, in particular poor people's rights and a deep disbelief in the fairness of the justice system and its ability to function without bias. (Caldeira, 2001) As Avritzer wrote, "Brazilians succeeded in institutionalizing democratic politics, they also experience the delegitimation of many institutions of law, resulting in a privatization of justice, escalation of both violent crime and police abuse, criminalization of the poor...and support for illegal and/or authoritarian measures of control. (Avritzer, 2002; 265) The vitality of Brazil's electoral democracy has not been accompanied by any improvement in the large criminal justice system. In spite of the governmental attempts to adhere to the rules and norms of international and national law, the majority of the elite population seems to prefer what she describes as a translucent police force that is not very effective but serves the purpose of the elites. As Caldeira wrote, "the more brutal the police, the better, as expressed in the morbid popular cliché, 'a good criminal is a dead criminal.'" (Caldeira, 2001; 168)

## **History, Race, and the Prevalence of Violence**

Brazil, in the opinion of scholars R.W. Shirley (1987) and Richard Dellafave (2008) is a society built on complex class and racial stratifications. For some, Brazil is seen as being authoritarian in nature where economic and political power has been concentrated historically in the hands of a small and landed elite. From its colonial days, these elites sought control of the slave class, which later morphed into a peasant class. (Shirley, 1987) Dellafave, attempted to explain Brazil's social stratification by looking at its origins and institutionalization by those that have wealth and power along with those that have nothing at all. He referred to this process of legitimization as an almost normative approval of stratification. (Dellafave, 2008) Dellafave also explains his self-evaluation theory which explains how legitimization "...is reproduced by describing the process through which existing unequal distributions of power in the society at large translate into congruent norms of distribution which becomes an integral part of the self-identities of the members of a society." (Dellafave, 2008; 478) Accordingly, in his congruence/equity theory, those people who are resource rich believe that they have these resources as a result of their own actions and hard work. On the other hand, those people with fewer resources believe their share is equitable even if they desire to have more. An interesting question that Dellafave proposes is whether or not people would invest in their own subordination. He posits that, "the day to day life of people includes learning how to function socially and thus be able to fit in." (Dellafave, 2008; 263) What he is trying to expose is that the quotidian knowledge about the appropriateness of a particular behavior includes the very norms of subordination and dominance experienced in a daily setting. Normally, these actions go on unquestioned, but any deviation from or an attempt to

change them is seen most often as either abnormal or completely separated from reality. Simply put, Dellafave is saying that a person's daily reality reinforces norms of equality and thus can produce a legitimization of inequality.

The conclusion that I have come to is that the legitimization of violence by the police and other state organs in Brazil are similar to and potentially the direct product of a legitimization of inequality. This is manifest in the daily lives of Brazilians and their personal experiences. This reality then includes norms of subordination and superordination, which often enforces the view that the poor and darker classes are less deserving of equal rights or treatment. Contrastingly, people from the upper and whiter classes seem to take a paternalistic view towards the poor, which allows them to be physically and psychologically detached from them. As Caldeira wrote, "the psychological distancing is achieved by creating symbolic fences in the form of stereotypes and prejudices of the poor, as well as literally constructing material fences to create physical separation." (Caldeira, 2001; 152) Furthermore, Caldeira goes on to make the argument that although the upper class believes there is little the poor can do to improve their condition, they concurrently blame the poor for both their inability to rise out of poverty and contribute more completely to the society as a whole. (Caldeira, 2001)

Statistically, the victims of police violence tend to be residents of poor and mostly black and racially mixed neighborhoods. (SEJUP, 2007) Due to the social distancing and "walling" that are common in Brazil both now and in the past, there is little spatial interaction publically. As a further result of this separation and the socially constructed "walls" of Brazilian society, the upper class has very little empathy and thus only minimal interaction with the lower classes. It would thus be common sense to surmise

that lower class and Afro-Brazilians would be less supportive of the police and view them with disdain and suspicion. This is, indeed, the case as they are more likely to have been victims of direct police violence themselves. (Silva, 1998) It is evident that these same victims of police brutality often use prejudices and stereotyping against their own fellow neighbors that are similarly mired in poverty and exclusion. It is an irony that these are the very same arguments used by the upper classes against the poor. As Caldeira emphasized, the poor and mostly black, “emphasize their own dignity, cleanliness, good citizenship, home ownership, and good family to create distinctions between themselves and other poor.” (Caldeira, 2001; 80)

It is almost unconscionable to believe, but the fact remains, that in less than a decade, from 1997-2007, the São Paulo Civil and Military Police killed almost 5500 people in that state. (Silva, 1998) Due to often unreliable and ambiguous data, it is difficult and often impossible to understand how these people met their final minutes. In the past few years however, many anecdotal stories and short narratives that describe the situations leading up to these deaths have been made available through non-governmental organizations and watchdog groups. (Alves et. al., 2010) As such, given the complexity of the task and absence of reliable information, it is difficult to extrapolate information and form conclusions from this data. In the end, surely, it is easy to see that João Costa Vargas is correct when stating that, “state-sanctioned lethal violence feeds from, at the same time as it energizes, social environments marked by frequent death.” (Alves et. al., 2010; 612) When looking at Brazilian history as a whole, it is easy to see that it has a certain vulnerability to violence and death. In fact, Brazil has had a history of deep and

lasting social inequalities often disproportionately affecting those with darker skin. In Brazil, death is not equally distributed along the class, gender, and racial divide.

According to Costa Vargas, “State violence in Brazil is an index of the precariousness of substantive citizenship, and the ways in which citizenship- or, rather, the lack of it- is inflected by and is reflected in the spatialization of race, gender, and class.” (Alves et. al., 2010; 613) It is obvious that disparities in employment, income, education, infant mortality, and vulnerability to violent death are deeply influenced by the unequal distribution of wealth and opportunity along racial, socioeconomic, and gender lines in the modern nation of Brazil. As James Holston and Teresa Caldeira wrote, “the civil component of citizenship remains impaired as citizens suffer systematic violations of their rights. In such uncivil democracies, violence, injustice, and impunity are the norms.” (Agüero & Stark, 1998; 263)

An example of this system of inequalities is well documented by R.W. Silva who wrote, “Afro-Brazilians experience state-sanctioned violence, not only by the peculiar institution of the police, but also by the social and institutional mechanisms embodied in schools and hospitals...that perpetuate the relative disadvantages for blacks while reproducing white privilege.” (Silva, 1998; 274) From an historical perspective, Afro-Brazilians have always experienced discrimination and exclusion. By further analyzing Brazilian life from a sociological vantage point, Brazilian social realities certainly have racist practices embedded within them, although it doesn't include that much institutional, organized, or ideological racism as is seen so often in countries like the United States. As is often evident, certain social inequalities in Brazil are associated with racist practices. As Ciconello pointed out, “The unacceptable gaps that still separate

black, white, and mixed Brazilians in the 21st century can be felt in the microcosm of day-to-day interpersonal relations and are reflected in unequal access to goods and services, to the labor market, to higher education, and to civil, social, and economic rights." (Ciconello, 1998; 4) There are also other factors that adequately explain the racial inequalities that still prevail in Brazil, such as a past history of exclusion and the invisibility of the black population, its poverty, and particularly a scenario of denial of their rights after slavery was abolished in Brazil in 1888. (Ciconello, 1998)

In my research on Brazil, I have come to the conclusion that while social life displays racist components, there is no systematic ideology of stigmatization, nor has there been any political party or relevant organization in civil society that directly or indirectly assumed racism as an explicit ideology during the past century in Brazil. There is, however, a clear case of social distancing in Brazil where both the rich and poor live in completely separate parallel universes. They have little interaction with the poor and darker elements of society so it is quite easy to personify the evil and bad people as being black, poor, and worthy or being brutalized under the guise of public control by the police.

### **The Myth of a Racial Democracy**

In studying Brazil, the African roots are a large of component of Brazilian culture has been openly affirmed in a wide variety of artistic manifestations, particularly during the second half of the 20<sup>th</sup> century. These include all forms of music, dance, and other types of art. Although Brazilian blacks have been mistreated in many respects, especially in regards to economic opportunity, they do not seem to feel that Brazilian culture has

expelled or excluded them, thereby compelling them to seek to return to their original homes back in Africa. This is in contrast to the Liberian experiment of American Slaves in the 19<sup>th</sup> century or the “back to Africa” movements espoused by Malcolm X and his followers in the United States during the 1950’s and 1960’s. Moreover, dominant Brazilian ideology characteristically devalues the past and tends to look towards the future, and this deprives the black movement of a reference point from which it can begin to understand and internally process the period of slavery according to many Brazilianists. (Skidmore, 1992)

In many ways, Brazilian political and artistic culture often focuses on the future. This can be seen in many forms of Brazilian architecture like the edifices found in Brasilia to popular Brazilian literature and films like those from the Cinema Novo movement dating from the 1960’s. Beyond this, even popular music in Brazil- *musica popular brasileira MPB*- reflects an almost total obsession with optimism along with a focus on the future. One of Brazil’s omnipresent myths, and one that the twentieth-century acceleration of economic growth brought into focus, is the idea that the country had a promising future despite its past history. The latter is indeed to be considered as a weight, owing to a negative view of the Portuguese colonizers, of the transplanted blacks, and even the native peoples, which are thought of as the three original “races” making up Brazil. According to this vision, the weight of the past will be overcome by “whitening” the population, by miscegenation, and by realizing the country’s potential, expressed above all in its size and natural wealth. (Carvalho, 1999) Focusing on the future means having an especially open attitude towards foreigners. While other cultures may see foreigners as a source of contamination and even a bastardization of the national roots,

the opposite is supported in Brazil. The orientation of Brazilians towards the future means that they have a certain disdain for the past and fail to nurture this in their national memory. This focus on the future, combined with the non-existence of egalitarian values transmitted through the educational system, has engendered another characteristic of Brazilian culture: it has a low level of animosity toward wealth according to Bernard Sorj. (Sorj, 2005) This is precisely why there tends to be so much extralegal violence supported by the elites and this makes effective oversight of these competing organizations nearly impossible. In many instances as I have stated before, the police can operate with near complete impunity. Furthermore, what little oversight exists is divided as the civil and military police are separate. Along with this, there is apparently little resentment or envy towards ostentation, which in more egalitarian societies might breed opposition and rebellion. This lack of resentment towards the wealth, means that the both the poor and wealthy live in two separate worlds that don't intermingle with each other. In the case of policing, the wealthy and middle classes ignore the poorer classes along with the violence that is inflicted upon them by the police. This ignorance is a further example of the walled society that is seen in Brazil today and thus continues the promulgation of violence. There is no true racial democracy, it is just a myth and this proves it had been demobilized by the events of recent times.

### **The Complexities of Race and Violence**

The notion of race in Brazil is both complex and in many cases contradictory. It is necessary to look at the historical development of racial ideology in Brazil both before and after the abolition of slavery in 1888. There was rampant miscegenation and unlike



the dichotomous system of racial classification in the United States, mixed blood mulattos were recognized as a distinct and separate racial category in Brazil. (Skidmore, 1974) This is only one facet of a classification system that was much more fluid but complex in Brazil in comparison with the United States. The mulattos were allowed limited upward mobility based on their cultural and physical whiteness. That is, the fairer skinned and more educated a person was, the more likely that person could move up the social ladder and be considered whiter. As the 19<sup>th</sup> century ended and the 20<sup>th</sup> began, many elites in Brazil were looking to solve their so-called problem of “negritude.” As Nancy Leys Stepan pointed out, “Brazilian doubts about the country’s racial identity, had long been reinforced by racist interpretations of Brazil from abroad. (Stepan, 1991; 44) These elites were willing to accept the prevailing Darwinist racial ideologies of Europe and the United States where white was considered superior. The Brazilian reality was, however, quite different and the population much blacker than the elites wanted to admit or even think. At the same time, there was an increasingly large group of upwardly mobile mulattos. This tension that existed was eventually solved and synthesized into a Brazilian theory of whitening that assumed “miscegenation did not inevitably produce degenerates but could forge a healthy mixed population growing steadily whiter, both culturally and physically.” (Skidmore, 1974; 65) Historically in Brazil, there has never been a strong tendency to separate people based on race as there was in the United States and Europe. In fact, efforts to raise racial distinctions through peculiar racial or black movements have been traditionally seen as unproductive, racist, and above all, anti-Brazilian.

Throughout most of its history, a common notion held by a majority of Brazilians is that the country is, truly and purely, a racial democracy. While this is inaccurate, there is clear evidence that racial stratification based purely on color is less of an issue in Brazil than other countries. In fact, according to Michael Hanchard, a great majority of Brazilians have a hard time distinguishing between racial discrimination and other forms of oppression. (Hanchard, 1994) To be fair, the patterns of discrimination when applied to social relationships are often severe and have had a tremendous impact on the country. In the 1960's, the all-encompassing UNESCO study of Brazil showed definitively that the darker a person's skin, the more likely they are to be in the lowest bracket of income, education, and occupational prestige. (Skidmore, 1974; 119) Hanchard also conducted a more contemporary analysis in 1994 and wrote that, "(the) social implications of being black in Brazil continue to include having a lower standard of living and less access to healthcare and education." (Hanchard, 1994; 65) To emphasize this state of affairs, blacks are also more likely to be victims of torture and extrajudicial violence according to the 1997 SEJUP survey of violence among citizens in the State of São Paulo from 1997 to 2007. (Hanchard, 1994) Despite the overwhelming statistical evidence that race does matter in Brazil, many citizens believe that race is really a subset of class-based barriers. While I do not support this simplistic view, it is correctly assumed that class and race are inextricably linked. In his study of elite violence and social control, R.S. Rose stated, "disparities in income and job attainment between blacks and whites act: the more education that black job seekers obtain, the farther they fall behind their white peers in the competition for good jobs and salaries, and the greater an impediment discrimination seems to become." (Hanchard, 1994; 76) The evidence shows that race can have

negative effects, independent of class effects. In Brazil, the myth that prevails is the view that it is a racial democracy. That view also has serious consequences for discrimination and incidences of extrajudicial violence. With a lack of motivation to reduce racial stereotyping, Brazilians are often guided by a prejudiced set of beliefs that seek to exclude certain groups of people from access to basic civil rights. For the purposes of this research, two groups that I will evaluate more closely are criminals and prisoners being held in the state penal system in Brazil.

### **Extralegal and Racial Misunderstanding**

When looking at extralegal violence committed against the Brazilian population by the police force, one statistic is strikingly clear and that is that race matters. According to the 1997 study conducted by SEJUP, the predominant group of people tortured or killed by the police is Afro-Brazilian men living in lower class neighborhoods. (SEJUP, 1997) The police ombudsman for the city of São Paulo, Benedito Domingos Mariano said, “(that) during the time of the dictatorship the middle class opposed torture because their children were the victims. Today nobody pays attention to it because it takes place on the poorer peripheries of the cities...areas these people of the elite classes do not know.” (SEJUP, 1997) As with all studies, the paradigm from which to view and understand extralegal violence among citizens must include the variables of race and class. When looking at Brazil, there is certainly no exception and from my research it is clear that race and class are not only important, but are perhaps the most important factors when analyzing violence. Cultural biases about race and class undoubtedly effect ideas about the civil rights of the poor and marginalized Afro-Brazilian criminals as an example. As

Teresa Caldeira writes, “the way the people talk about crime and criminals is frequently marked by prejudices and stereotypes.” (Caldeira, 2001; 35) It is fair to say that many middle and upper class Brazilians are less aware of the extent to which torture and extrajudicial killings by the police occur as they insulate themselves from these people through security mechanisms as Caldeira called the idea in her book *City of Walls*. (Caldeira, 2001) Even when the middle and upper classes are made aware of instances of police violence, they often conjure up stereotypical visions of poor and black criminals. This is a way they can justify that the violence inflicted on these people is just and deserved. Concurrently, many people from the lower classes also justify police violence in a similar way. They create a sense of social distancing by making a clear distinction between themselves as law-abiding citizens and the criminals as undeserving and violent law-breakers regardless of them being of the same race or not. The salient group identities become the law-breakers against the law-abiders instead of the development of a shared racial or class-based commonality. (Caldeira, 2001) However, due to Brazil’s history of slavery, importing more Africans as slaves than any other country in the Western Hemisphere, and its staggering level of poverty- in 2010, 26 percent of the Brazilian population lived below the poverty line and 87 percent of those below the poverty line were of non-white racial origins. (IndexMundi, 2010) As is evident from these figures, race and class are very strong indicators for those that are routinely victims of crime in Brazil. In looking at these figures, it is important that I define poverty, in this case, as a form of violence against people. By not stopping poverty, the Brazilian state is keeping a large part of its human capital under the poverty line, and this is clearly a form of state violence against its people.

## **Civil Rights Paradigms and the Brazilian Reality**

Now it is appropriate to expand on the theories and concepts prevailing in modern Brazil when it comes to civil rights. Historically, many scholars have argued that civil rights exist in order to protect the dignity of a citizen within his or her society. In the western liberal conception of civil rights, there has historically been a strong commitment towards protecting and promoting human dignity while providing a protective mechanism against violence.

Ironically, however, it is not hard to find the civil rights of people being violated in the world today. In a myriad of locations globally, these violations occur between and among individuals, governments, and other entities. Brazil, according to Teresa Caldeira, is unique in the fact that there is a tacit but widespread opposition to the legitimacy of the civil rights regime against criminals (Caldeira, 2001). In his 1998 editing of an academic study of civil rights, Tony Evans (1998) argued that the powerful elites within a society socially construct civil rights norms in a self-serving and exclusive manner. (Evans, 1998) This process can certainly be seen in present day Brazil when applied to the rights of prisoners but it has not always been the case. During the many years of military rule, upper and middle class Brazilians were prisoners of those regimes and consequently demanded respect of civil rights and the release of political prisoners. More often than not, these upper and middle class individuals were precisely the groups that were calling for civil rights in the face of repression and imprisonment by the military rulers. Ironically, as the military governments faded into history these same upper and middle class individuals are blocking the very progress of civil rights for prisoners in Brazil. According to Caldeira, opposition to civil rights by these elites in Brazil became evident

when these civil rights campaigners tried to extend civil rights to the general prison population through legal changes (Caldeira, 2001)

It is clear that in this case, Brazilians feel that certain factors determine equality and that some people are more or less equal than others. In Brazil, race and class based issues are clearly important when looking at any civil rights paradigm. Inherent in any civil rights paradigm, there is always the need to recognize that people are interconnected. Since this is assumed to be the case, then breaking the social contract would elicit a harsh response and punishment from the organic group. An example would be the response of a society to crime and the criminals that perpetrate the crimes. Exclusion of these groups from access to civil rights would further be legitimated by the traditional perspective of civil rights as these actors have broke the social contract by committing crimes against the society as a whole. In addition these criminals are poorer and blacker than the society as a whole, which leads to a quandary of legitimacy.

If one is to look at the paradigm of civil rights from a traditional viewpoint, it is quite clear that civil rights laws deal with, among other issues, the rights of criminals. Many groups view this concept as absurd when applied to criminal elements in society, but this paradigm states that criminals are due their civil rights. Teresa Caldeira (2001) traces the Brazilian public's opposition to the extension of civil rights to criminals from 1983. For the City of São Paulo, the origin of this opposition came from the period of 1983-1987, when Franco Montero was the governor of São Paulo state. (Caldeira, 2001) It was during his reign as governor that Mr. Montero placed a great emphasis on civil rights by reducing police violence and improving prison conditions. Ironically, as Caldeira also points out, it was during this same time that crime and violence spiraled out

of control and people became concerned about public safety as well as their own personal well being. As such, many beliefs about the very legitimacy of civil rights were fomented. There was also increasing criticism of using public money in order to improve the rights of criminal, where that same limited pool of money could be used toward the social welfare of the working poor. In an ironic sense, many believed at the time that by improving the civil rights of criminals, the government was not spending valuable money on policing and protecting the public. In fact, Caldeira wrote that many people in Brazil believed that by protecting the rights of criminals you gave those same criminals the right to commit violent crimes. (Caldeira, 2001) During the 1990's, the strong resistance to extending civil rights to criminals was lessened somewhat, but the argument that criminals are somehow unworthy of being extended civil rights is still a common paradigm. In fact even "Brazil's business community was traditionally opposed to even police reform. In this sense, it has benefited from, tolerated, and contributed to police corruption." (Neto, 2006; 45)

According to Caldeira (2001), the language by which the Brazilian public speaks about crime and criminals is often rife with oversimplification and stereotypes. Criminals are often viewed in the light of being separated and disconnected from the public at large. By viewing criminality in this vein, the discourse becomes more dehumanized and separated from the actual Brazilian reality. (Caldeira, 2001) A major consequence of this separation is what can best be described as underdevelopment of penal proportionality. This has led to a situation where, for example, the consequence of a mere petty crime such as theft can be perceived as severe as that for murder. This is reinforced by the view, among the middle classes and elites, that all criminals are equally

undeserving of civil rights regardless of the crime. As Teresa Caldeira stated, "...the talk of crime is at odds with the values of social equality, tolerance, and respect for others' rights. The talk of crime is productive, but it helps produce segregation (social and spatial), abused by the institutions of order, contestation of citizens' rights, and, especially violence itself." (Caldeira, 2001; 39) Thus by not distinguishing between a petty thief and a murderer, many middle and upper class Brazilians create and nurture an image about the "dangerous classes" – one that transforms all those poor and black into potential criminals and people to be feared. Additionally, Reiter spoke of a duality in the court system for educated and non-educated defendants. If the defendant is educated, they are put through one court and prison, which is less harsh in both conditions and treatment. This is not the case for those that are not college educated or come from the elite. (Reiter, 2008) This has the dual effect of the elites not caring or paying attention to laws and justice as they feel it does not apply to them, while the poor do not trust the system and put little faith in the belief that their outcome will be fair.

Broadly speaking, differing paradigms perfectly reflect the debate between the more egalitarian and more hierarchical ideals held by Brazilian society when it comes to civil rights. Egalitarian ideals, although codified in the Brazilian constitution through laws that guide the government's behavior towards criminals, seem to influence and guide public support and/or passive acquiescence to police violence towards suspected criminals. When analyzing case studies and in actual practice, it quickly becomes obvious that this struggle between egalitarian and hierarchical ideals is rarely resolved. This is the case in both practice and in individuals as both these paradigms influence public attitudes about the civil rights of criminals. I believe it is the case that individuals



act and express attitudes that are in line with both the traditional view of civil rights as well as a more expansive view. Often times, this would appear too inconsistent, which it is, but it is rather consistent in explaining the schisms that exist within society in regards to the “ideal” outcome and the “real” outcome. In an ideal world, Brazilians would like to live in a society where all people respect the law and would therefore be treated with dignity and respect. Reality, however, is much more harsh and disorderly. The fact is that people commit crimes and this causes an underlying conflict between the notions of treating that suspect with respect while questioning whether to treat them with same respect as the law-abiding citizen.

### **The Response of the Brazilian State: A Plan For Action**

In Brazil, there is certainly a staggering problem with crime. In fact, as Wlamir Campos wrote, “there is no doubt that the biggest social problem of this country (Brazil), in the last years, has been the huge increase in violence and the failure of the Federal Government in providing security to society.” (Campos, 2005; 18) There are many causes of these phenomena including a failure on the part of police to apprehend criminals and a judicial system that is simply too overloaded to efficiently punish those who have transgressed the law. Due to these factors, crimes are committed with impunity all over Brazil. Generally, Brazilians seem to have little faith that justice will prevail in their system. (Prillaman, 2000) From a historical perspective, the formal legal structures in Brazil have been created and used for the benefit of the economic and political elite and justice for everyone else has been largely informal in nature. (Shirley, 1987) As many academics have stated, vigilante justice or what some scholars have called “popular

justice” has long been viewed as a practical and appropriate alternative to the overburdened and inefficient legal system. (Prillaman, 2000) According to R.W. Shirley, in a 1984 opinion poll, 48.2 percent of Brazilians who were surveyed supported vigilante justice. (Shirley, 1987) Part of my research is looking at the potential parallels between support for citizen vigilante justice and support for extralegal violence by police as a manifestation of this type of vigilantism. The reality in Brazil is that citizen and police vigilante justice often overlaps. An example is the case of the Carandiru massacre during 1993, which I mentioned previously. For example, when the police violate the civil rights of suspected criminals, the public tends to have little reaction because they believe that violence and such extrajudicial killings are justified and even a legitimate reaction and punishment. According to Caldeira, the people are “...usually asking the police, whose violence they fear, to take violent action against the side that deserves it...their rationale is clear: once dead, criminals no longer pose a threat.” (Caldeira, 2001; 192) From a paradigmatic analysis, this certainly reflects the more traditional approach to criminal rights. It is somewhat of an irony, according to Nancy Cardia, that violence and its arbitrary nature increases the citizen’s distrust of the police yet this does not promote police reform among the general population. Ironically, it is this very violence that increases the tolerance to police violence. (Cardia, 1997) It seems that the increase in support for police violence is not because the public believes it is ideally desirable but rather a necessary response for the safety of the public. In a 1998 study by the Center for the Study of Violence at the State University of São Paulo, 95 percent of Paulistas and 88 percent of Rio de Janeiro residents believed that violence is increasing in their cities. (Cardia, 1999) In fact, “in Brazil’s major cities, homicide is the leading cause of death

among 15-24 year-olds. Rio de Janeiro ranks among one of the world's most violent cities. São Paulo...has just been racked by a severe wave of violence that had killed over 150 people- 40 of them police officers.” (Beato, 2006) In trying to find additional information about gender, class, and race differences in support for violence, I used and sorted 2008/2009 data from the National Institute for the Study of Violence (NEV-CEPID/FAPESP) study. A study conducted in 2008 and 2009 by The Violence Project at the University of São Paulo, found that support for citizen vigilant justice, there was some difference between age and class but no difference racially. In regards to support for retributive violence, there was no difference between the genders but certainly differences in race and class. The more people earned, regardless of race, the more likely they were to support tougher police enforcement and even violence when necessary to protect themselves and their neighborhood. Finally, when looking at support for procedural violence, there was no difference between the genders, but here was some class based differences and certainly racial differences. (Adorno, Cardia, & Pinheiro, 2001)

A strong civil rights culture has developed in Brazil but in a rather peculiar way where civil rights often apply only to those people who deserve them by contributing positively and correctly to society. It is also quite clear that many in Brazil hold negative beliefs about civil rights and their very legitimacy. This is the case because of increasing concerns about rising crime and violence, which still seems to act as a barrier towards constructing a more inclusive civil rights regime in Brazil. As anthropologist Roberto Da Matta stated, “the notion of...equality for all is problematic and provokes attempts to restore hierarchy by violence.” (DaMatta, 1991; 133)

## **Conclusions and the Future**

Caldeira (2001) found that having a personal fear of crime affects how a person speaks about criminals and what they believe in regards to civil rights for criminals more generally. In the psychological realm, studies have shown that a fear of crime is seen as a negative reaction to unsafe environmental conditions. According to James Lane, measures of the fear of crime can encompass both a “cognitive assessment of perceived risk and an affective assessment of fear.” (Lane & Meeker, 2003; 26) Some researchers believe that these components should be studied separately but what I focused on in this research is the fear of crime.

The traditional civil rights paradigm, which views some persons as being more deserving of civil rights protection than others, appears to be the default paradigm when looking at Brazil. It is grounded in and fits well with the authoritarian legacy that is prevalent in Brazil. This commonly seen hierarchical power relationship between people is of utmost current and historical importance in Brazil and cannot be discounted when doing this type of research. As Christian Staerkle noted, “if a person’s civil rights are to be supported as inalienable, his or her deservingness of civil rights protection must be disassociated from his or her acts or personal characteristics.” (Clemence & Staerkle, 200; 389) Within the civil rights paradigms that I have discussed and evaluated in this essay, information about a criminal’s race, social class, and criminal actions are certainly used to justify the withholding of civil rights protection. Because the belief that all people are worthy of civil rights protection is a major defining feature of the emerging civil rights paradigm, public policies are needed which focus on encouraging people’s attitudes to change regarding extralegal police violence while still working towards a

better domestic security regime. Within this emerging civil rights paradigm, it is certainly possible to support the extension of civil rights to criminals without supporting their criminality. Clearly, those individuals and policy makers that adopt this worldview are less likely to support retributive or procedural violence by the police. While this research only begins to look at the data available, I believe it possible to conclude that the fear of crime, which is associated with increased victimization and the presence of incivilities, acts as a barrier to adopting this emerging type of civil rights paradigm. Public support for extralegal police violence is a barrier to building a stronger and more entrenched culture of peace in Brazil. (DaMatta, 1991) The government policy makers are clearly trying different strategies in order to address the crime problem in Brazil. As with any policy, it is malleable and constantly changing based on the needs and attitudes of the public.

## **CHAPTER 5: VIOLENCE AND THE BATTLE FOR BRAZIL'S FUTURE**

With Brazil's economy booming and its international prowess stronger than ever, coupled with fact that the country will be hosting two global sporting events in the next decade, the security situation within its borders is an important both domestically in Brazil as well as to the outside world. It is now all the more appropriate to look at how the successive governments of both Presidents Lula Da Silva and Dilma Rousseff have and intend to combat violence and crime. Certainly, the task they have is a large one as it involves not only Brazilians battling other Brazilians but also involves organs of the state killing, endangering, and battling their own people. There are no easy solutions, but progress has been seen in numerous areas. Now, some areas of Brazilian cities that were controlled by drug gangs and militias are once again under government control. To say the cost of battling this violence has been high is a understatement, yet only through lasting structural change and a deepening public arena for debate can this problem be solved. In this chapter, I will be looking at numerous methods and proposals that have been employed to slow down and reverse the menace of violence in modern Brazil.

If the largest city in Brazil, São Paulo, is used a background example, over 5,400 people were killed by the military and civilian police forces in just ten years from 1997 to 2007. (Alves & Vargas, 2010; 614) State sanctioned violence, as police inflicted killings are classified according to Joao Vargas, is termed an "index of the precariousness of substantive citizenship, and the ways in which citizenship- or rather the lack of it- is inflicted by and is reflected in the spatialization of race, gender, and class." (Alves &

Vargas, 2010, 613) There is ample evidence that the Brazilian government is working hard to address these inequalities and beginning to tackle the spiraling levels of violence within its borders. However, despite these efforts, in the past twenty years the number of murders in Brazil has increased 237 percent. Research published by the United States Department of State indicated that every year more than 40,000 people lose their lives in Brazil by being victims of violence. This represents 11 percent of violence victims on the planet. (U.S. Department of State, 2007) As recently as November 24, 2010 the police raided more than a dozen slums in Rio de Janeiro. This was an all out effort by the state and federal government to quell violent attacks by gangs that have raised questions about security in the city chosen to host the 2014 World Cup and the 2016 Olympic Games, Rio de Janeiro. As Myrna Domit reported, “heavily armed criminals have blocked busy streets, robbed drivers and burned at least nine cars since Sunday, according to the police and the Brazilian news media. The Rio State secretary of public security, José Mariano Beltrame, said the attacks “were a retaliation by gang members for a government program to pacify violent slums, in part by installing a special community police force.” (Domit, 2010; A10)

According to data provided by the World Health Organization (WHO), Brazil had the second highest per capita rate of mortality from aggravated murder in the world, being behind only Colombia, a country that was embroiled in a civil war for over three decades. (Pan American Health Organization- Country Profile Brazil, 2009) Despite, or maybe because of these astonishing numbers, Brazil has an average of one policeman for every 304 inhabitants, which is a comparable ratio to the developed European democracies such as Germany or the United Kingdom. The total Brazilian police force

has a combined strength of 535,244 policemen. This includes the federally controlled policing bodies that are comprised of the military and civil police, fire, and federal protective police organizations.

These multiple organizations are often overlapping in their jurisdictional areas and have been proven inefficient. In addition to their overlapping functions, the forces are geographically distributed in a confusing and unequal manner. As an example, there are 26 states in Brazil yet 55 percent of police officers are housed in only five states. These states, São Paulo, Rio de Janeiro, Minas Gerais, Bahia and Rio Grande do Sul, are the largest in total population but certainly do not warrant 55 percent of Brazil's total police being concentrated in those areas. (Campos, 2005) In order to consolidate gains that have been made, the Federal Government of Brazil needs to not only streamline its security regime but also better distribute officers to where they are needed most. In addition, money must be better spent on crime prevention along with reforms that will increase the transparency of the judiciary.

In what is the most telltale sign of the perceived lack of security in Brazil's public sphere, thousands of new private security companies have been created in order to protect the more affluent from harm. This further exacerbates the erosion of citizen participation in public spaces. In the year 2000, for example, the Brazilian government reported the existence of 1,368 private security firms; by 2004 the number of security firms had more than doubled. Over 833,361 security guards were employed in these firms, which meant that there were 60 percent more private security guards than sworn police officers in Brazil in 2004, a huge change in just four years. (Campos, 2005) These figures are from official records and do not include unofficial security officers working in the gray market.



Most often, these vigilante private guards do not exercise the same restraint and lack the training of the professional police though they are paid in a more lucrative fashion. In this case, money buys security and security is exactly what is desired most by the residents of major Brazilian cities, who feel unsafe in the public domain. The pay for official policeman is low and they are mainly from the lower classes, causing another set of problems in itself.

It is impossible to speak of urban violence without mentioning guns and their owners, both legal and illegal. The government has also tried to implement reforms on this issue. To this effect, firearms in Brazil are required to be registered with the state and the minimum age for ownership is 25. Although it is legal to carry a gun outside a private residence, there are extremely severe restrictions, which were instituted by the federal government in 2002, making it virtually impossible to obtain a weapons permit. (Campos, 2005) To legally own a gun, the owner must pay a tax every three years to register the gun, which is currently at R\$60.00 and the registration can be done via the Internet or in person with the Federal Military Police. Until the end of the 2008 grace period, unregistered guns could be legalized for free but this is no longer in effect. With this amnesty, the state finally was able to accurately figure out the number of weapons in the country. The National Arms System Database *Sistema Nacional de Armas (SINARM)* estimates that there are around 17 million weapons in Brazil with 9 million of those being unregistered. (Campos, 2005)

### **Armed Forces as a Policing Alternative**

There has always been a debate in Brazilian society about whether or not the armed forces should be used to combat urban violence. This debate becomes more acute when a crime wave hits or violence spirals out of control. In this light, it is important to note that these military organizations are permanent institutions and thus organized on the basis of hierarchy and discipline, and have as their mission the defense of national sovereignty, safeguarding constitutional power and, when requested in emergency situations, to maintain law and order. As such, the military has no defined or permanent police power. Given this situation, the military should not be employed for public safety functions that combat social movements and organized crime, for example. They also are not trained for combat against their own citizenry in an urban atmosphere. Clearly, the concepts of public security and national defense should not be intermingled. While some in Brazil believe that drastic action needs to be taken in order to combat urban violence, there are many tactical, political, and operational reasons why the military is not an option.

When looking empirically at the Brazilian military forces, the Army has a headcount of 202,993 soldiers, 65,043 in the Air Force, and the Navy has 61,067 members. In a traditional paradigm, the function of the state has been to provide security to its citizens, assuring them of their moral and physical safety and thus enable the reflection of a peaceful and harmonious coexistence among individuals. (Shirley, 1987) There is not a natural fit for the Brazilian Armed forces to act as an internal policing authority. Though it might seem to be an effective and expedient way to solve the violence problem in Brazil, the armed forces are not a practical solution to this problem.

As the rule of law and its application has changed over time, police power has had imposed limitations and its functioning has changed accordingly. Police power, which incorporates social values, has come to be defined in legal terms as: "... the State's administrative activity that aims to limit and constrain the exercise of freedoms and individual rights in order to ensure, on a level capable of preserving public order, the fulfillment of minimum values of social harmony, especially safety, health, the decorum and aesthetics." (DaMatta, 1991; 143) As new concepts of public safety take place, a novel consensus has established itself and now is defined more accurately as "the absence of disturbance and harmonious arrangement of social relations." (DaMatta, 1991; 154) So, public safety has been conceptualized as a guarantee of internal public order, in other words, public safety must be guaranteed by the State of a social life free from the threat of violence, allowing everyone the enjoyment of their rights guaranteed by the Brazilian Constitution, through the exercise of police power. While this right of a public sphere free from violence is guaranteed in theory, it is not the reality in Brazil. It might seem tempting to use the armed forces as a policing authority, but its long-term effectiveness is certainly doubtful. Structural and societal problems need to be address before looking to the military as a legitimate and effective guarantor of internal security in the long run.

### **The State's Budgetary Response and Reformation**

The growth of violence is also being affected by budget cuts on the local, state, and the federal level. With less money, there are fewer resources to invest in law enforcement and other social services. According to Nancy Cardia, "even in the 1960's and 1970's, when Brazil had high rates of economic growth, the state devoted few resources nor had

the political will to control or oversee its law enforcement agents.” (Cardia, 2001, 9) For Brazil, until quite recently, the economic situation has been difficult at best. During that time, this lack of control that the state exerted on the part of its law enforcement officials has encouraged further violence and corruption on the part of its police agents. In the end, the state has and still fails to protect all its citizens. The Brazilian government had also failed to prevent violence by encouraging economic growth, providing a social safety network, effective law enforcement, improving the criminal justice system, and reducing selective impunity. (O’Donnell, 1993)

The criminal justice system has also been affected by budget cuts on many levels including cuts to the court system, the police, and the office of the public prosecutors. As such, there are fewer people than ever before fighting crime yet it has risen exponentially in recent years. In addition, the wages for many of these officials are lower than in the private sector and this often breeds corruption. Additionally, salary distortions are rampant, which is problematic in Brazil. For example, federal judges have a starting salary of 20,000 Reals per month, while lower ranking employees make on average only 3,000 Reals per month. Besides low wages, there is inadequate equipment and technology in the legal system so many prosecutors rely on twenty year-old computers or no automation at all. This has the unfortunate effect of making an inefficient system even slower in response time. Compounding this is a total lack of accountability that the system has to the public as a few elite officials often make decisions. So much so that many lower level employees have no input whatsoever. This asymmetric decision-making process further has the effect of undermining the public’s faith in the system. Additionally, “(the) institutional problem is the availability of local democratic practices

and the inability of social actors to think about institutional designs capable of strengthening them.” (Avritzer, 2002; 57)

Another problem that is seen in the Brazilian justice system is what is called wage asymmetry. The existing resources that are available are distributed in an extremely unequal fashion. For example, within the military police, salaries at the top ranks can be 20 times more than that of the lower ranks. (Cardia, 2001) Within the judiciary itself, as an additional example, budgetary matters are mostly left to top-level judges so that there is little public oversight. Among the public prosecutor’s office, the judiciary, and the police, there are often demands for salary equality but this has fallen on deaf ears. In many cases, people doing the same work are paid differently according to whom they work for and in what department. This animosity is bad for Brazilian justice and bad for the systems functioning as a whole. Finally, resources are not distributed across the regions according to need but rather because of the political power of their representatives. According to Nancy Cardia, “since 1991, it has been well known that violent crime is concentrated in certain regions of the São Paulo metro area; yet despite these reports, these areas continue to be the least policed...In 1996, a study revealed that downtown São Paulo had one police officer for every 250 inhabitants and one police car for every 2,083 inhabitants. In the most violent areas of the periphery the ratio was one officer for every 1,429 inhabitants and one police car for every 10,000 people.” (Cardia, 2001; 10) Clearly, this is not an effective or practical distribution in a city like São Paulo that so needs an effective public security system. This is precisely where violence, the police, democracy, and inequality come together. In a democracy, there shouldn’t be such a huge delta between people and policing. Policing should logically be denser and more

visible in violent areas. For example, the total ratio of police to inhabitants does not provide an accurate depiction of what goes on. It rather appears that some neighborhoods have more policing by ratio than in Western Europe while others have much less than in the most basic societies. This inefficient distribution of policing resources only further exaggerates the problem of violence and its subsequent control in Brazil.

The Federal Government of Brazil must rethink its responsibility for the management of efficient public policies in the area of public safety. This cannot happen unless there is a strong autonomous body created with its primary responsibility being the development and implementation of national security and policing policy. Many experts, like Claudio Beato, believe that it simply does not seem reasonable that the National Secretariat of Public Security should continue to operate as a division of the Ministry of Justice. (Beato, 2006) This structure means that its efforts and energy are divided between National Indigenous Fund *Fundação Nacional do Índio (FUNAI)*, which is responsible for indigenous affairs and the Administrative Council for Economic Defense *Conselho Administrativo de Defesa Econômica (CADE)*, which... “in light of the domestic security situation in Brazil, the organs of public safety merit a proper ministry, one dedicated solely to combating violence and implementing national security policies. Public safety is the responsibility of the government and it also has the obligation to protect its citizens under article 144 of the Brazilian constitution.” (Beato, 2006; 19) There is some movement towards a structural change as President Rousseff indicated she would “support a consolidation of functions under a new or consolidated ministry by 2012.” (Domit, 2009; A10)

## **Conclusion**

In Brazil, violence and crime have been frightening to the populations of major cities, yet it seems these events are not undermining totally Brazilian democracy. One explanation for this lies in the perception that crime and violence are limited to only major urban centers. Indeed, despite the brutality of and wide publicity about urban crime, violence is not perceived as widespread, but rather as a local phenomenon peculiar only to some cities. As is evident from the research I have presented, this is not the case as the violence and crime in Brazil is spread throughout the land. As a consequence, Brazilians who do not live in major cities often feel shocked by the information on violence presented in the national media. Furthermore, Brazilian citizens have generally been what I would term as cautious in what they demand from their democratic administrations. Apparently due to historical reasons and democratization still freshly in their collective memory, the populace still avoids demanding too much from civilian administrations because they fear that excessive pressure could break the current order and lead to an authoritarian setback. Therefore, from the political standpoint, Brazilian democracy does not seem threatened by crime and urban violence.

The deterioration of urban public safety in Brazil is rooted in a combination of causes. Poverty, and especially the huge gap existing between the rich and poor, creates a fertile environment where drug dealers circulate and establish areas of influence. The lack of respect for the state's enforcement apparatus, which is plagued by violence, poor training, inadequate structures, and corruption, lends a perception of impunity that both promotes and trivializes criminal acts. In addition, the inequity, dramatized by the close proximity of the richest to the poorest classes in urban centers so aptly analyzed and

researched by Caldeira, underscores the injustice of the situation and renders an air of legitimacy to crime. State initiatives to address the problems must therefore be comprehensive, address specific social demands, and combine regional and federal enforcement efforts in a coordinated manner.

As new administrations come into power, the reforms that were proposed or even instituted by the previous administration are jettisoned. This lack of continuity breeds a further erosion of public trust that anything can or will be done in the arena of public security reform. As I mentioned previously, mass media also "...contributes to the social problem...by feeding into the culture of fear and distrust that permeates Latin American society in general." (Beato, 2006; 5) In the end, crime is caused by a multitude of factors and no one answer is sufficient in explaining Brazil's extreme urban violence problem. I have explored these issues in my research as well as some possible solutions. Regardless, what is needed now is a better understanding of the root causes of violence and how the issues can be addressed most effectively and in a timely manner. These problems will not go away and it is incumbent upon Brazilian society to formulate an answer to the scourge of violence plaguing it. As Claudio Beato wrote, "What is indisputable, however, is the urgent need for greater social accountability to deal with the troubling absence in the political sphere of the will to tackle the problem...and (what needs to occur is) a rethinking on the part of the country as a whole as to how individual actions strengthen or weaken the rule of law." (Beato, 2006; 7) As Brazil prepares to host both the World Cup and Summer Olympics in its most violent city, all eyes will be on the country. It will be up to Brazil's new government under Dilma Rousseff to finally solve the dual problems of violence and crime in Brazil. While that task is monumental in



itself, the underlying causes of these problems including racism, inequality, and inefficient government make the Brazilian reality difficult to understand let alone try to solve. What is, perhaps, the best tact is to start at the base level and bring prosperity to more people. Whether or not unregulated capitalism is allowed to manifest in Brazil remains to be seen. The fact is that for democracy to be fully consolidated, the public sphere must again be reopened for debate and, at the most basic level, living. Brazilians should not live in a bubble but rather alongside each other, whether rich or poor. This fear and rich versus poor mentality, has for too long undermined the quality of Brazilian democracy.

## **CHAPTER 6: CONCLUSION**

Brazil, the largest and most populous country in South America has continued to pursue economic growth since 1822, when it obtained its independence from Portugal. Endowed with some of the most abundant and valuable natural resources in the world, Brazil has managed to exploit the large labor pool it possesses to become the leading economic power in South America and a regional leader in many aspects. Its growth, development, and economic stability were evident when it assumed a short-term seat on the United Nations Security Council running from 2010-2011. In addition to its political prowess, the country has featured more prominently in the world arena, contributing heavily to resolving international disputes. In the near future, the country is expected to feature even more prominently on the world stage with the 2014 world cup and the subsequent summer Olympics being held in Rio de Janeiro. This is the first time such high profile events are being held in Latin America making this a very prestigious achievement. It is important to note the fact that crime and unequal income distribution have remained major problems in Brazil. These highlights clearly illustrate the importance of assessing and analyzing the nature of violence in the Brazilian society.

This work is aimed at demonstrating how violence affects diverse groups in different ways. The empirical realities of violence in Brazil are shocking and policy experts have insisted on addressing the underlying basis for violence in the country. Different organizations have been involved in this study, notably being the University of

São Paulo Violence Project and the Woodrow Wilson International Center, which sponsored “The Brazil Project” in 2006 aimed at identifying the causes, consequences, and solutions to violence and extreme urban crime problem in the country. (Filho, 2006) Discussed in this symposium was the efficiency of the traditional policing and crime-fighting techniques used but which have definitely failed. I analyzed new alternatives of policing, which included innovative police responses, targeted policing, and police community partnerships. The social and psychological impact of Brazil’s powerful and sensationalist media, which has managed to promote fear among citizens in order to gain more profits. This research exposes some of the major details of violence and of the utmost importance in finding solutions to it. Only through collective and sustained effort can Brazil become a more equitable place, which is safe and prosperous for all residents.

According to 2002 statistics, one in every 20 citizens was a victim of violence or armed robberies depicting by the rate of 1,704 incidences per day, (Filho, 2006) reaching its peak in 2003 when the Brazil’s Ministry of Health reported a homicide level of 28.9 per 1000 inhabitants. Violence has been blamed on the rising level of social inequalities and rate of unemployment. This has subsided, somewhat, in the last five years due to anti-poverty programs instituted by President Da Silva, which brought millions of people into the middle class. Although all social groups are affected by violence, the poor have been blamed resulting in a public perception that the poor are a “dangerous class”. This is not the case as there has been existence of a rather disturbing trend of crimes involving killing of journalists, judges, mayors, and union leaders among others clearly indicating the presence of organized gangs and collaboration of powerful groups or individuals like business people and politicians.

Looking at one facet of violence in Brazil like homicide, Brazil has recorded some of the most alarming figures. In 2001 for example, the number of homicides in Rio de Janeiro was estimated to be 59 per 100,000 inhabitants while the same rose to 200 per 100,000 inhabitants when the population of the poor was evaluated as an individual group. (Caldeira, 2000) These rates surpass those of countries considered “crisis countries” like Sierra Leon, Colombia, and Iraq. These statistics shows how Brazil is a dangerous country to live in. Criminal gangs are by no means few in number in Brazil and they have continually acted with renewed brazenness. A good example is the 2006 First Capital Command *Primeiro Comando da Capital* incident, which orchestrated a series of bomb attacks and assassinations aimed at law enforcement officers in the city of São Paulo from jailed criminals. This criminal and terrorist gang coordinated various attacks in the city, which resulted to over 160 deaths. The gang has many followers and is active in all Brazilian state prisons and has even hired lawyers to act on their behalf.

The fact is that many middle and upper class individuals believe that they had to abandon the “public sphere.” The excluded and the included share limited interactions with each other and there are many differences on how they live, spend their leisure time, and how they work. In many Brazilian cities, the landscape is drastically changing, leading to a pattern of spatial segregation according to Caldeira (2000). The middle and upper classes have their own public spaces, transport networks, and even schools. The poor often have to make do with the badly financed public sector transport systems, public’s hospitals, and the deplorable public education system. All in all, they exist in completely separate spheres, thus undermining the very idea of a shared public realm, where public matters can be discussed freely, among the citizens of a democracy.

Together with a discredited state that is perceived by many as corrupt and serving only the interests of the rich and privileged, the lack of an inclusive public sphere threatens the quality of Brazilian democracy and creates a problem of democratic legitimacy. When citizens fall into first and second-class categories, where the first-class perceives the state as an instrument to further their own private interests, while the poor find no access to their civil rights, and where public discourse and deliberation is made impossible by a real or perceived threat of violence and insecurity – then democracy is at risk.

According to Claudio Beato (2006), targeted policing and police reform are the most needed and effective measures in addressing the severe problem of violence in Brazil. Violence, which was originally confined historically to rural areas, has swiftly spread to all major cities of the country making Brazil the most violent state in Latin America. Beato observed that there is need for the government's increased crime tackling abilities adopting measures aimed at redirecting security forces to the major areas. This researcher also observed the connection between violence and its consequences. This study revealed that violence and crime was not spread evenly over the country, but rather a type of violence implosion where 10 percent of these crimes can clearly be traced to just eight census divisions out of the 2500 divisions in the whole country with 40 percent violent crimes being intense in just 10 percent of census tracks. (Beato, 2006) Concentration of violence is also based on some specific features, which include terrible social conditions characterized by poor infrastructure, low levels of education, and high childhood mortality. These observations led to Beato to suggest that if security forces were redirected into those areas where crime is rife, meaningful progress would be easily

observed. (Beato, 2006) The type of policing applied here should also be result oriented policing where innovative techniques are utilized to subdue crime.

The hot spots of crime should not be avoided and the police should cooperate with the residents and work with that collaborative attitude and mutual respect to come up with meaningful ways of reducing violence. Beato proposed the use of both a scientific and rational approach by the police in order to better deploy their resources in terms of personnel and equipment so that they can be in a position to target crime more effectively given the limited resources available. (Beato, 2006) Belo Horizonte's civic police and military applied these measures and obtained promising results. The city recorded the greatest decline in crime in two decades with a decline of 18 percent. He also proposed a mechanism of poverty reduction and establishment of social development programs to fight crime from the source or the causes. (Beato, 2006)

Among the poor residents who live in the favelas, it is perceived that the drug lords are the good guys. These drug lords act as a role model for the youth due to the gold chains they wear and the flashy cars they drive thus nurturing the wrong perspective among these youths. Ironically, law enforcement officers like the military police, are seen as the bad guys by these very same people (Beato, 2006). This perspective has developed over the years due to the nature of police brutality and the fact that they stir up violence every time they enter the favelas to flush the drug lords out. Many of Brazil's poor have the habit of not trusting the police and this has led to a flawed system that heavily contributes to the overall level of lawlessness in the country. The police on the other hand have given these poor people a reason to distrust them. They apply excessive force,

harassment, and crude methods when dealing with them in the homes up in the hills where the favelas are located.

Luis Bitencourt observed that police reform must be a major and necessary change alongside government reform to relieve Brazil's endemic poverty if the end result is minimizing and ending violence in the country (Bitencourt, 2009). The judicial system will also need thorough modernization along with the state's penal system so as to clean up the system as a whole and establish smoothly running structures and improve efficiency at all levels. Given the fact that violence affects all social classes, the politicians are not immune and they often must be coerced into solving these problems (Bitencourt, 2009). When looking at the domestic security regime, the country needs a less politicized police force. This can be achieved through establishment of a better political system. The government should stop investing so much on research and rhetorical solutions to this problem, when they are not ready to implement the research findings. A lot of information regarding the causes and solutions to this problem of violence has been available through different studies, but more often than not few politicians are willing to go the extra mile to invest in the implementation of these findings. Brazil has a history where modernization and industrialization were pursued at the expense of recognizing the limits of Latin American culture. Avritzer stated, "modernization theory has been unable to theorize the political implications of the encounter between the structures of political rationality proper to the West and Latin American societies." (Avritzer, 2002; 63) In the end, this is the biggest area where the government of Brazil is failing its citizenry. This is also the area that needs to be developed so that a robust democracy that includes a safe and viable public sphere is able

to develop in Brazil. To do this, Brazil must engage its public sphere more robustly than ever before. Instead of shunning it poor and marginalized, Brazil must look to its favelas, as President Obama said, to provide “future leaders, artists, politicians, businessmen, and those with ideas to move Brazil forward in the next century.” (Obama, 2011) If Brazil can reopen its public spaces for debate and provide a more robust and accessible public forum for debate, then democracy will truly be consolidated and violence will no longer be a menace to Brazil.



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