

Democracy in Progress in Contemporary Brazil: Corruption, Organized Crime, Violence and New Paths to the Rule of Law

Sergio Adorno*

Department of Sociology, Center for the Study of Violence, University of Sao Paulo, 05008-070 Sao Paulo SP, Brazil

Abstract: Although the transition to democracy began in the middle of 1980's, Brazilian society has not yet experienced a peaceful social life. New forms of violence have emerged in the last two decades including the increase of violent crimes, gross human rights violations, organized crime and conflicts within social and subjective relationships. The paper discusses the policies of the Fernando Henrique Cardoso administrations (1995-2002) regarding human rights and public security. It examines the social and political constraints in which government initiatives are based and the successes as well as the failures on the efficiency of these public policies.

Keywords: Crime, human rights, public security, public policies, Brazilian government.

INTRODUCTION

After 21 years of authoritarian regime (1964-1985), Brazilian society returned to the rule of law and the democratic order. Since the mid-80s, this society has experienced economic, social and political changes. Important segments of the market have faced an accelerated process of technological modernization. The Brazilian industrial background – the most important in the Latin America – has acquired larger complexity. The services sector gained greater importance in the composition of the gross domestic product. Economic policies, especially in the last eight years, have been seeking rigorous control of the inflation and monetary stabilization. A widespread privatization program was implemented in order to restrict the state intervention in the economy and contain public expenditures. The Brazilian government stimulated the integration of the country in the globalized market and tries to face the challenges posed by this development. In spite of the enormous social gaps and the accumulated social deficit, there were advances in the field of education and of the public health as we highlighted: “All the data available indicate that there have been substantial improvements in the last few years, after the control of inflation: economic growth, income re-distribution, reduction in inequality”.¹ All this has been followed by substantive changes in the social relations regarding gender,

generations, races, and social classes, influencing distinct fields of the social, political and cultural life (Figure 1).

Brazil has overcome serious political crises – e.g. the impeachment of President Collor de Mello (1989-92) - without seriously compromising the Rule of Law and the democratic order, as was often the case in the past when confronted with institutional impasses. Democratic advances also can be identified in the following events: more transparency of the governmental decision-making process, greater freedom of the press, ideas and association, more citizen participation in public life, moreover in issues related to consumption and the environment. State governments have been following the republican principle of the public and political responsibility. Social and political pluralism has been guaranteed by a peaceful cohabitation between political parties and civil organizations in Parliament as well as in civil society. The new Constitution (1988), which marked a period of twenty years of authoritarian regime, it consecrated civil and public freedoms as well as broadened social rights.

Nevertheless, the concentration of wealth and the social inequality remains the same (Pochmann, 2010; Freitas, *et al.*, 2012) (Figure 2). In fact social inequality and the obstacles of access to justice worsened whilst the society became more complex and dense. Social conflicts have become more intense. In this context, Brazilian society has witnessed the growth of the violence rates: common crime, fatal violence as result of organized crime, gross human rights violations and deaths caused by interpersonal conflicts all have grown (Adorno & Cardia, 2009). The emergence of drug trafficking, in particular, has promoted the

*Address correspondence to this author at the Department of Sociology, Center for the Study of Violence, University of Sao Paulo, 05008-070 Sao Paulo SP, Brazil; Tel: 55 11 30910613; Fax: 55 11 30914950; E-mails: sadorno@usp.br, sergioadorno@gmail.com

¹Center for the Study of Violence, University of São Paulo (NEV/USP), 12th Report of the CEPID Project (2012). Available: www.nevusp.org

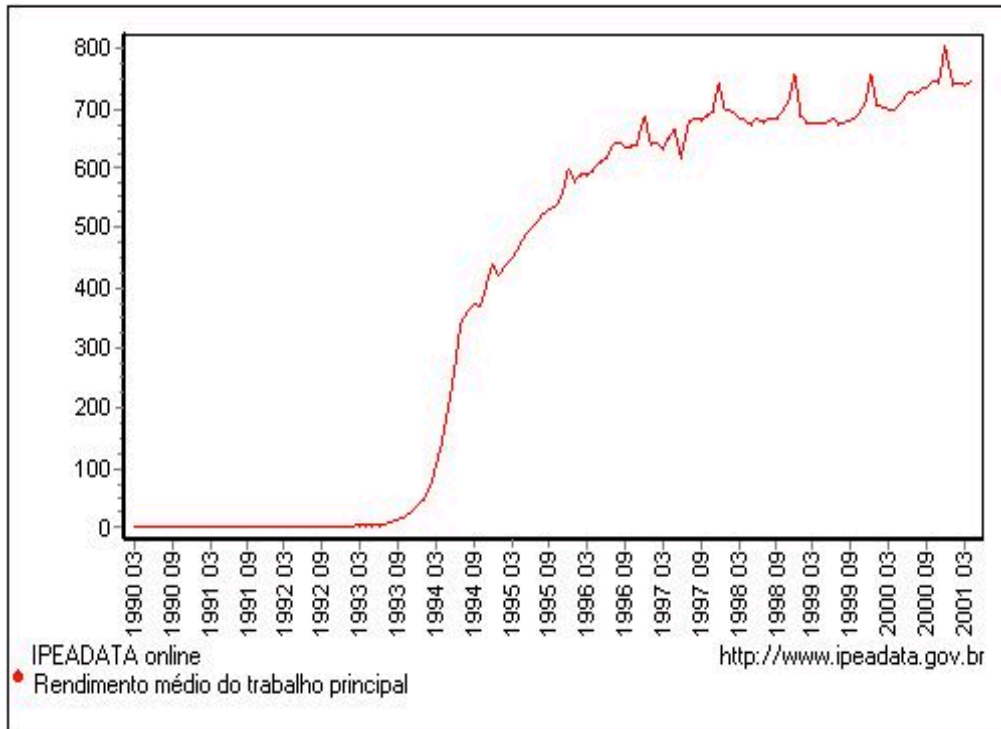


Figure 1: Average wage of the main activity of workers in Brazil, in Reais (Brazilian currency).
 Source: Institute for Applied Research (IPEA).

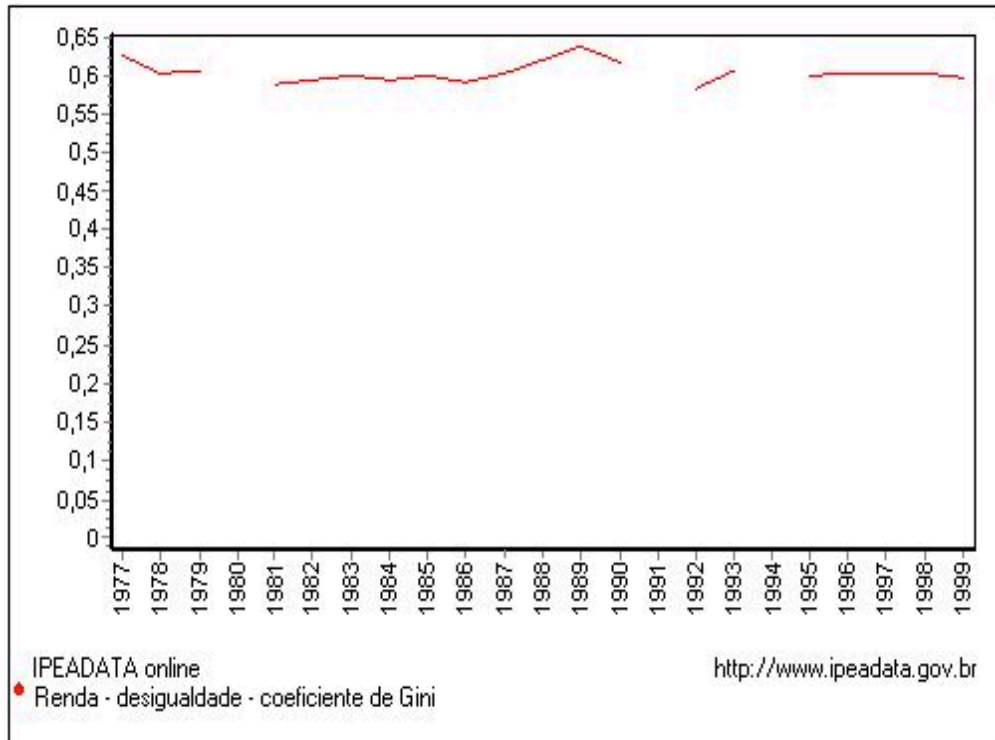


Figure 2: Gini Coefficient. Evolution of income inequality in Brazil.
 Source: Institute for Applied Research (IPEA).

disorganization of traditional forms of life among urban popular classes, while instilling fear and insecurity in the middle classes, which in turn stimulated local

governments to implement authoritarian and arbitrary ways to control crime and violence. This means that the rule of law and the democratic institutions of

criminal justice are weakened. In other words, as society changed, crimes grew and became more violent, but the institutions in charge of protecting the citizens and applying the law still operate under the old models of decades ago. From this perspective public security policies set in motion by the federal government, as well as by state governments oscillate between the need to respect human rights and the need to use repressive forms of control of violence and crime.

This essay explores this tension in contemporary Brazilian society. It analyses the proposal of the Cardoso Administration (1995-2002) regarding human rights and the public security, and examines the social and political constraints in which government initiatives are interwoven. It considers the successes as well as the failures and the main obstacles to the efficiency of these public policies. The analysis points out the current impasses, motivated by the institutional problems that remain a challenge for the democratic government. The paper ends with a discussion about the present public debate, in particular the risks, perceived by some sectors that Brazilian society tends towards some kind of "Colombialization", reproducing the same scenery, i.e. the loss of control, by the state, of violence. In response to these assumptions, I argue that the Brazilian scenario is more related to the one that prevailed in Italy by the time of the "Clean Hands Operation" than that of contemporary Colombia, as I seek to develop at the end of this paper. Finally, I suggest that though Brazil may distance itself from democratic forms of control of violence, it has done so generally without resorting to terror or to the adoption of institutional arbitrary measures that disrespect human rights.

The Cardoso Administration: The Human Rights Agenda and the Public Security Policies

In his campaign for the presidency, Fernando Henrique Cardoso detailed in his governmental program, entitled *Let's get to work* (Cardoso, 1994) the guidelines for the future development of Brazil, the major goal being the improvement of conditions of life for the majority of the population. The program highlighted the impact of the process of globalization on economic production, trade, capital flows and diffusion of science and technology. The Program proposed a new model of sustainable development based on the protection of the environment, on a more active role for the country in the international affairs and in the promotion of social justice entailed by the

protection of the right to physical integrity. In terms of social policies, it established five goals for the government: jobs, education, public health, agriculture and public security.

Concerning public security, the government's program intended to be inclusive and to tackle multiple perspectives. It identified the roots of insecurity in Brazil and stressed the role that the lack of public trust in public security institutions played in this insecurity. It also focused on the growth of organized crime, in particular that of drug trafficking as well as the use of drugs, and their impact on other crimes (like homicides, thefts and kidnapping). The Program identified the presence of a cycle of impunity, of systematic violations of human rights, and the presence of private forms of justice such the death squads and lynching. It also considered the relative weight of poverty and of social injustices as causes of violence.

The program thus identified several problems: inadequacy of preventive policing, lack of trained personnel, outdated methods of police investigation, lack of reliable police statistics on crime, unreliable police investigation. Particularly with respect to the Federal Police force, the program gave emphasis to problems such as the lack of adequate equipment, distortions in wages as well as presence of a trade union that was seen as radical, and as such represented a threat to the discipline and hierarchy in this police organization. The program also encompassed the judiciary, identifying shortage of prosecutors and judges, the need to review the Penal Code, the overload of lawsuits in the courts and the slow pace of judicial agencies. Furthermore, it highlighted prison overcrowding - the 'graduate schools for the poor' (Cardoso, 1994, p. 161) -, as well as the fact that detainees were kept in jail despite having their sentences fully served. This scenario was worsened by the number of unfulfilled arrest warrant estimated to a total of about three hundred thousand warrants. Should they be filled there would be no prison space to hold the prisoners.

This diagnosis implied that the government's main goal was to regain the control of violence through the rigorous application of the penal law. In other words, the program gave emphasis to law and order. 'To regain sustained economic growth and the income distribution - our larger goals - are necessary, but not sufficient to revert the escalation of violence. And we can not choose between the rule of law or social welfare' (Cardoso, 1994, p. 161-2). Reaffirming the

respect to Constitutional principles, the program intended to invigorate the criminal justice system, the possibility of support from the Armed Forces existed but one that would be used only in extreme cases. The text emphasized, 'a work to be carried out without truculence, but firmly...' (Cardoso, 1994, p. 163).

As result of the diagnostic and the goals defined, the government's program had four guidelines: a) strengthen the cooperation between the federal and local government; b) increase the pace of and the access of people to justice; c) implement and to improve the prison system as foreseen in the legislation; d) strengthen the federal agencies in charge of public security and surveillance. Each of the guidelines was accompanied by specific goals, such the creation of the National Secretariat of Public Safety within the Ministry of Justice; the reform of the Criminal Code; the implementation of Criminal Court for misdemeanors and less offensive crimes, allowing quicker trials; the creation of the National Board of Justice, with members of the upper Courts as well as representatives of civil society; the support to state governments for the construction, reform and re-equipment of new penitentiaries; the implementation of alternative sentencing for non-violent crimes or first time non-serious offenders, proposed by the Penal Execution Code, to serve time in open facilities; and the implementation of a more strict legislation for parole and/or transfers from closed to open facilities. Regarding the Federal Police, the goals included investment in the staff, in order to enlarge it and to improve the qualifications and the training as well as to extend its role to curtail tax evasion.

In spite of the ambitious purpose of his program and of the set of measures that were adopted, the FHC government has not achieved the expected level of public security. The growth of urban crime and of violence continued throughout the eight years unabated. The climate of fear and generalized public insecurity has not disappeared. Occasionally a spectacular theft, a kidnapping with great repercussion in the public opinion or a vile homicide, or a strike by officers of the Federal Police or of the Military Police mobilized public opinion and raised doubts about the efficiency of the initiatives. Still most of the initiatives were new and a few were very relevant and their success should not be ignored or blurred by political circumstances, some of which resultant of the Brazilian federalist pact, others of the political alliances that the government supports, and others due to the social dynamics of Brazilian society.

The Social Context and its Political Constraints

Fear of violence and crime has grown since the beginning of the 90's. Everyone regardless of his/her origins, ethnic characteristics, gender, generation, wealth and/or race feels threatened and insecure, be it in terms of property and wealth or in terms of the most precious possession - life. Surely this is not an exclusively Brazilian phenomenon. Public opinion surveys in the United States, in England or in France show similar fear, though the emphasis or the object of the insecurity varies country to country (Lagrange & Roché, 1993). In Brazil, the scenario of fear and insecurity seems to have increased during the transition from the authoritarian regime to democracy.

The new political and institutional environment in the wake of the 1964 coup imposed new patterns of relationship between the federal government and the state and local governments. This affected the already fragile fabric of the Brazilian federation; the system's fragility was further aggravated by the increased governmental intervention in all sectors of civilian life, and by the centralizing nature of decision-making. In order to reinforce interventionism and centralization, the military regime repressed all organized political opposition in the country. From 1968 to 1974, the successive bureaucratic-authoritarian administrations built a system of political repression that combined the use of military police forces and military forces. This system functioned alongside with activities and actions such as censorship, arbitrary arrests, disfranchisement of political rights of elected individuals; torture and killings; psychological warfare against grass-roots and left-wing organizations; restrictions on prerogatives of both legislative and judiciary powers, the breaking apart of opposition parties; curtailment of civil and political liberties; the collapse of intellectual activities at major universities, scientific and cultural organizations, exile and clandestine life for many political leaders (Linz & Stepan, 1978).

This vast process of reordering social and political relations around the authoritarian regime had impact also on ordinary crime, and this was soon perceived. From the mid 60s on, the involvement of federal agencies in public security and law enforcement at the local level grew. Crime prevention police patrols became increasingly militarized (Chevigny, 1995); arbitrary searches of "suspects" on the streets became more frequent, as well as the invasion of homes - mostly from working class, without court warrant operations "get people off bed", in illegal operations. At police stations, torture and maltreatment of suspects of

crimes became routine in police investigations. In addition, this period is characterized by fierce “warfare” between policemen and outlaws. At the root of this war was the rise of death squads — paramilitary organizations formed by policemen and civilians to kill drug pushers, smugglers and bank robbers, as well as witnesses who could denounce them to the law. Criminal courts seemed unaware of this process. They offered no resistance to the arbitrary rules imposed by repressive measures of public order control (Huggins, 1998; Pinheiro, 1997; Pinheiro, 2000).

It is suspected that, during that period, courts were rigorous in sentencing persons accused of larceny, at the time a criminal offense at the top of police statistics and generally committed by the working class. The prison system was increasingly under the intervention of federal normative bodies, such as the National Council on Prison Policy and the Federal Prison Department to cope with the large inflows of prisoners, notably in major cities. By the late 70s, the democratic transition slowly started. The impact this had on the domain of human rights was impressive. The demands that were now allowed to be voiced included the return of: the need for search warrants to enter domiciles, the prohibition of illegal arrests, habeas corpus, the right of the accused to defense, the abolition of especial courts to try cases of abuse of power by policemen or public authorities, among others. The enactment of the 1988 Constitution restored democracy in the country and created legal instruments for the defense of civilians against despotism of authorities.

The target was, among others, to keep the activities of repressive agencies — including those responsible for implementation of security and law enforcement policies — within legal bounds. Since authoritarian legacies not only survived but also were thriving, the challenges were many. Paradoxically, in the course of democratic transition, violent or arbitrary practices started to develop in response to three different trends: a) the gains made by the human rights movements, b) the growth of violent crime in larger cities and c) the crisis of law and order.

Human Rights and the Democratic Control of Violence

Crime entered the public debate after the social and political struggle to ban the authoritarian regime and to build a democratic society in Brazil. According to Paulo Sérgio Pinheiro², the maltreatment of ordinary

prisoners in Brazil has always been a routine at police stations and other police bodies from the early days of the Republic, perhaps even since the days of the Portuguese rule. However, this issue became a theme in public debate in the course of the last authoritarian regime (1964-1985). The struggle to establish the rule of law targeted — among other goals — the ban of that political violence which was promoted and institutionalized by the state. In the course of this process, while grassroots movements, civil society organizations and significant sectors of political parties committed to the restoration of democracy denouncing political violence and the inhumane conditions in the Brazilian jails during the dictatorship years, and expressing their sympathy to the terrible situation experienced by ordinary prisoners for decades (Caldeira, 2000).

Confrontations between conservative and “progressive” forces soon took the streets. On the one hand, there was a growth of movements for the protection of human rights in several areas in the country, more specifically in the cities of S. Paulo, Rio de Janeiro and Recife. Their main concern was to conquer/restore or perhaps more aptly extend human rights to all sectors of the population including the impoverished working classes, and protecting them from violence and injustice, either from the authoritarian state or civil society groups. The birth of such movements was followed by an endless torrent of denunciations of all kinds, specially police violence and violence in jails. It was also followed by new actions, such as periodical visits (covered by the media) to entities in charge of crime repression and control, encouraging public debate on forums of various kinds — technical, professional, academic ones — involving experts, researchers, professionals, leaders of public opinion and the general public. These movements were responsible for novel findings, among them the identification of the similarities between tactics and strategies to repress both ordinary crime and political dissent.³

The reaction of sectors under criticism was immediate. Suspicions about the paths of democratization and fears of retaliation or scrutiny of abuse committed during the authoritarian regime, as well as insecurity about eventual loss of power led such

²See Pinheiro (1991), more specifically part II, chapters 5 and 6, pp. 87-116.

³One of the successful initiatives in this sense was the Teotônio Vilela Commission. Named after a deputy engaged in the civil rights movements in Brazil, the Commission was comprised by public intellectuals and politicians who denounced human rights violations during the period, especially abuses in prison conditions. For more information on the Commission works, see Tsunoda (2012).

groups to resort to multiple defense and attack strategies. Due to their privileged position within the state and even lingering prestige in some sectors of the press — among reporters covering the police for the newspapers — and the electronic media (radio in particular), representatives of conservative forces soon managed to revive authoritarianism, which is present in some traits of the Brazilian political culture (Cardia, *et al.*, 2012).

Such conservative groups not only mobilized collective feelings of insecurity — already present in the early 80s — but attracted support for authoritarian forms of control of the public order. This meant reinforcing collective perceptions according to which the only *legitimate and imperative form of controlling violence is to resort to police violence without any legal or moral mediation*.⁴ In doing so they weakened arguments from human rights movements, initiating a successful campaign against “prisoner’s human rights” which they regarded as undeserved privileges granted to criminal a society where the average person, the honest worker has no protection granted by the law, social policies or governments.

The lack of consensus about how to implement and order jeopardizes public security in Brazil. The segregation and the isolation between classes tend to worsen the conflicts. The pressures on authorities are to provide protection and safety for certain social segments in detriment of others. Often segments of the middle class organize themselves against violence and crime, identifying human rights policies, or more recently governmental and non-governmental initiatives that support the disarmament of the population as their targets on the road to security.⁵ Public insecurity is then attributed to these policies and not to crime and to poor police performance. This certainly is a general picture, since there are cases in which the problem of the crime and of violence were confronted as a problem of the city, and for whose solution multiple segments the society have joined efforts.⁶

In Brazil, the reconstruction of a democratic society and of the state, after twenty years of authoritarian regime (1964-1984), has not been vigorous enough to contain the arbitrariness of agencies in charge of public order. Even changes in penal policies implemented by the new democratic governments, including the reform of the police forces, were not enough to empower institutions in order to guarantee the rule of law. Citizens still lack trust in these institutions and this scenario does not seem likely to change in the near future.

The Growth of Urban Violence and Crime

Violent criminal offences have been increasing in Brazil since the beginning of the 80s⁷, mainly in the metropolis such as S. Paulo, Rio de Janeiro, Vitoria, and Recife (Caldeira, 2000; Feiguin & Lima, 1995; Zaluar, 1993; Adorno, 1996). There are no reliable criminal statistics for Brazilian society as a whole, so we need to report urban criminality for some cities.

In the city of S. Paulo alone violent crime increased 10 per cent within the overall crime rate in the 1984-93 period. According to Feiguin & Lima (1995) this growth accelerated after 1988. At that moment violent crime came to represent 28.8 per cent of all reported crime. After 1988, Feiguin & Lima (1995) observed that the growth is faster and that there was a jump: in 1988 the rate was already 945.1 violent crimes per 100,000 people whilst in 1993 this rate was in 1119.2. In six years violent crime had grown by 18.4 per cent. Caldeira (2000) observes that violent crimes represented 36.28 per cent of all crimes in 1996. At the end of the 90's, this crime rate had peaked around 40 per cent. This kind of growth more than justifies the public's fears and feelings of insecurity. This growth was not limited to the municipality of S. Paulo but was replicated in the Metropolitan area as well. Armed robbery and assault are the most common forms of violent crime. Since 1983 armed robberies represent 50 per cent of violent crime. Feiguin & Lima (1995) identified the same trend for the years between 1988 and 1993. In 1988 the rate of armed robberies or attempted robberies was 567.0 per 100,000 inhabitants. By 1993 this rate was 750.3 per 100,000 inhabitants, which signifies a growth of 32.3 per cent. This kind of growth also took place in the metropolitan area where the most common form of violent crime

⁴I have recently worked on this subject of the relationship between gross human rights violations and moral anesthesia. See Adorno (2013).

⁵In 2005, the Federal Government organized a referendum for the population to choose if fire weapons should be prohibited in the country. Surprisingly, despite the clear connection of high levels of homicides and the presence of firearms, an argument brought forward by many NGOs and academics, the polls bought the radical liberal discourse of the possibility of private resistance and changed positions at the last moment, choosing the non-prohibition. This was considered a loss by the human rights moments and campaigns.

⁶In 1997, the Center for Study of Violence in partnership with Globo Television Network has organized an International Conference on Urban Violence. The results were disseminated to the general public and led to the foundation of the Institute São Paulo against Violence, which assembles entrepreneurs from different branches of economy and market and public agents. Its main goal is to promote public and private partnerships for reducing urban violence. See Pinheiro (1998).

⁷The analysis of the growth of violent urban criminality was extracted from Adorno (1996).

used to be physical assault. The numbers of assaults remained stable while robberies grew.

Rape and attempted rape oscillated slightly but overall the rates of reported rape have declined slightly between 1981 and 1997. They remained stable between 1988 and 1993⁸. Similarly, the figures for robbery followed by murder remained stable. Offences such as drug use and trafficking show an irregular pattern: they grew between 1981 and 1997, whereas they declined between 1986 and 1987 as Caldeira pointed out. Such variations may be more the result of changes in police policies than in the pattern of drug use and/or dealing. Since 1988 there has been a growth in drug related offences especially in the municipality of S. Paulo. The same trends are observable for other large Brazilian cities such Rio de Janeiro (Coelho, 1988).

This scenario becomes bleaker when we examine what has happened to the numbers of homicides.⁹ Death caused by homicide has been rising for the past two decades as revealed by a number of studies (Adorno, 1996). Camargo & all (1995) noted that in Brazil throughout the 80s deaths caused by violence grew by 60 per cent while the overall mortality rate grew by 20 per cent. The homicide rate grew from 21.04 per 100,000 inhabitants (in 1991) to 25.33 in 1997. This rate is three times over that of the USA. The available studies for the Brazilian case show that: a) the rate of homicide caused by firearms has grown since 1979 and b) this rate had grown faster than that of population.

The Brasilia (DF) homicide rate was 13.7 per 100,000 inhabitants in 1980. It jumped to 36.3 deaths per 100,000 inhabitants eleven years after, i.e. in 1991. For some Brazilian cities the rate is much superior the national average as the data of 1997 shows: in Recife, the capital of Pernambuco state, had a homicide rate of 105.3 per 100,000 inhabitants; Vitoria, the capital of Espírito Santo state (103.4 per 100,000 inhabitants);

Rio de Janeiro, the capital of the Rio de Janeiro state (65.79 per 100,000 inhabitants) and S. Paulo, the capital of S. Paulo state (56.69 per 100,000 inhabitants). Only two cities - S. Paulo e Rio de Janeiro - had concentrated around 21 per cent of all homicides committed in Brazil. The same trends can be observed for the corresponding metropolitan areas. The homicide rate had grown of 201.3 per cent in Brazil from 1980 to 1998 in whilst it had grown 262.8 per cent in the twelve Brazilian metropolitan areas in which was living 36.7 per cent of the Brazilian population (Mesquita Neto, 2011). These metropolitan areas were responsible for 56.7 per cent of all deaths caused by homicides or aggressions (Mesquita Neto, 2011).

The victims of these deaths are male adolescents, living in the poorest districts of large cities. The homicide rate for male youth, between 15 and 19 years old, in S. Paulo jumped from 9,6 per 100,000 inhabitants to 186,7 during the period of thirty-five years (1960-1995). This means the growth of 1.800 per cent (Mello Jorge, 1998). Castro (1993) had estimated an average of 2.72 children and adolescents murdered per day in the same city in the beginning of the 90s. Her study showed that the major part of them was killed by firearm, which reveals the purpose to consummate the death (Huggins & Castro, 1996). At the same time, the adolescents have also shown their violent side. A study about youth delinquency in S. Paulo, from 1988 to 1996, observed that the presence of adolescents in violent urban crimes had grown. At same time, it identified that they were more and more involved with gangs and organized crime (Adorno, 2002). Other researchers have reached similar findings (Assis, 1997; Zaluar, 2004).

It is likely that in S. Paulo, as well as in other major cities of Brazil, such as Rio de Janeiro, part of these deaths may be related to conflicts between gangs, whether or not, connected the drug trade¹⁰. The emergence of organized crime and especially of gangs of young delinquents seems to be a phenomenon typical of large urban centers like Sao Paulo, South America's most important industrial city. In 1997, Sao Paulo's population was 9,887,616 according DATASUS from Ministry of Health. Of this total, 18.8 per cent were between the ages of 20 and 29. According to Bercovich & others (1998) "it is important to emphasize the fact that the decade we are (were) living in, is marked by a sinuous wave of youths." (p. 2).

⁸It must be kept in mind that the rates do not reflect the reality but the victim's willingness to report to the police. Despite campaigns started by the feminist movement and despite the rapid increase in the number of Women's police stations especially in S. Paulo, unreported offences must be high due to prejudice and the reticence of women to publicize the cases.

⁹The sources to measure deaths by external causes present an array of problems. It is estimated that only 75 percent of such deaths are registered as such. Figures for the country are more precarious still since it is suspected that people do not inform the registrar office all deaths and or the registrar does not inform the Ministry of Health. There are also difficulties in integrating data from different sources. To further complicate matters there are a very high number of deaths by undefined causes within "external causes" See Camargo, *et al.* (1995).

¹⁰The lack of studies similar to those produced by Zaluar for Rio de Janeiro prevents reliable conclusions. See Zaluar (2004).

Youth Crime, Gangs and Organized Crime

In Sao Paulo, the average growth rate of the urban population diminished between 1980 and 1996. However, this drop was not uniform in all of the city's districts, some of which have high growth rates and have formed different age group profiles. The concentration of youths in certain regions where the growth rate has remained high, despite the general trend in the opposite direction, is well known. For example, in the district of Jardim Angela – a veritable social laboratory due to the characteristics and composition of its population – the population grew at average annual rates of 3.63 per cent in the 90s, while the cities overall average growth rate was 0.88 per cent. It is no coincidence that Jardim Angela, one of the city's poorest districts, also had the highest levels of fatal violence. In 1995 the "Risk of Violence Map" showed a homicide rate of 222.2 per 100,000 inhabitants in the 15-to-24-age bracket (CEDEC, 1996).¹¹

Aside from the influence exerted by such factors as demographics, family, housing conditions, job situation, family income and assets, access to public services, crime rates, solidarity and conflict networks, and the sociability of neighborhoods where gangs are formed and operate, one must also consider the influence of organized crime. The role it plays in the criminality observed in Brazil's urban centers has been the subject of studies and scientific research for the past two decades.¹²

Organized crime and the formation of gangs of adolescents are quintessentially American themes. There is no consensus among specialists as to the exact relationship between gangs of youths and delinquency. According to Klein (1995) a gang could be any group of youths that: a) is seen by the inhabitants of a neighborhood or region as being very different; b) identifies itself as such through the use of a unique name; c) has committed so many penal infractions that the local population and law enforcement officials have taken a stance against them. However, this definition is not consensual among researchers, especially in England, which since the 1960s has seen the emergence of teddy boys, mods and rockers,

skinheads, rastas and rude boys – none of which are necessarily involved in conventional crimes like theft, robbery or drug trafficking. These groups seem motivated by class or ethnic and inter-ethnic conflicts. These observations help refute categorical affirmations that automatically link youth gangs to crime.

In Brazil, according to Zaluar (2001), the emergence of organized crime among Rio de Janeiro's low-income population is due to the breakdown of traditional mechanisms of juvenile socialization and of equally traditional networks of local sociability. In the past, these networks were based on relations of patronage between rich and poor and more recently on a new form of political clientage anchored in the gambling and samba schools. The dismantling of these traditional networks of socialization was accompanied by a widening gap in parent-children relations that led to a redefinition of social roles. It also redefined the functions of socialization instruments like schools, social assistance centers and political organizations, which have now assumed the roles that once belonged to parents.

It is precisely in this process of social transition, for which new socialization instruments have not yet been formed, that organized crime, especially drug trafficking, attracts young dwellers of low-income housing projects or of the shantytown slums nestled in the hills of Rio de Janeiro. It is not a reaction against a world of injustices and moral degradation, nor an alternative to the lack of opportunities offered by the formal job market. What attracts these youths to organized crime is the access it offers to the world of consumption and the possibility of establishing a masculine identity associated to honor, virility and social status in an era marked by limited options of personal choice. The result of this process is not, as Zaluar underscores, solidarity among the poor and excluded built around drug trafficking. The result is the explosion of individualism, which for youths means attributing more value to "consumer goods, more styles of consumption and more buying spree at shopping centres have been the main changes in these patterns. Cultural values have also changed: more individualistic and modern values became widespread in Brazilian society during the seventies and the eighties, such as the well-acclaimed media commendation 'always seeking the best for yourself' (*tirar vantagem de tudo*), 'making easy money' (*fazer dinheiro fácil*)" (Zaluar, 2002, p. 76).

¹¹Exactly how these phenomena influence each other and how these demographic trends influence juvenile delinquency are matters to be investigated at an opportune moment.

¹²Two important studies have been published about organized crime in São Paulo. See Feltran (2011) and Dias (2013).

These enticements lead to the presence of youths in gangs, either as bosses or as followers who subject themselves to a division of labor determined by unending gang wars that result in their premature deaths. On average, these youths seldom survive beyond the age of 25. Even when considering the fact that the number of youths involved in violent crimes is lower than the number of youths murdered, everything indicates that a small number of young offenders are responsible for the increase in violent crimes. This means that some of these youths are becoming more violent and aggressive. Once having built a career in the world of crime it becomes difficult, if not impossible, for them to abandon it. The life of Carlos Ferro makes this clear: at the age of 9 he committed robbery; at 11 he was involved in a shootout; he was sent to a juvenile detention center at the age of 12; at the age of 16, he was addicted to crack; and at the age of 20 he was sent to jail. He then wrote his autobiography (*Veja*, 1994).

Studies on juvenile delinquency in Sao Paulo clearly indicate that organized crime, especially drug trafficking, is not restricted to Rio de Janeiro. Since the circulation of money nourishes drug trafficking, it established itself in Sao Paulo, although in different forms than that which prevail in Rio de Janeiro. As mentioned before, gang wars, mostly involving drugs – especially crack – are most likely responsible for the sharp rise in the number of adolescents killed over the past several years.

The Control of Violent Crime

In order to face violent crime, equally violent forms of control have been employed, very often with disastrous results. Many times, under the pressure of the “public opinion”, public security forces set up procedures for police agencies to repress crime at any cost, even to the extent of disregarding the right to life of suspects of crime. Over the end of the past decade and early years of this decade, police violence has escalated. Paradoxically, the chances of involvement of policemen (both civil and military) in violent crime have also increased due to the financial rewards offered by drug trafficking, kidnappings and other criminal acts (Cubas, 2013). Recent developments in Rio de Janeiro and S. Paulo, in which a considerable number of both civil and military police officers are accused of corruption, seem to illustrate this paradox.

In addition to this, the involvement of civil and military police with extra-judicial killings has also been

detected. Although they are not new in the country¹³, the number of such groups that promote these killings seems to have more than doubled and become increasingly active in the years following the democratic transition. This has evolved not necessarily as a consequence of the political developments underway, but as the result of population growth and changes in the demographic and social composition of low-income classes living in poor neighborhoods of large Brazilian cities. Killings by the Military Police still occur and are officially excused as “a strict duty of obedience to job rules” or “resistance to arrest announcement”.

Unfortunately, there is no reliable data in Brazil. In the city of S. Paulo, the number of civilians killed in confrontation with the police significantly increased in the period 89-92, while the number of policemen killed has remained unchanged (except for the period 1990-91 when there were sharp variations). In the last 15 years, 15 times more civilians have died in confrontations with the police. In 1992, 23 times more civilians than policemen (NEV-USP & CTV, 1993). These tragic events seem to have had their climax with the massacre at the S. Paulo Jailhouse (October 1992). The description of the events suggests — as two important reports indicate (Pietá & Pereira, 1993; Marques & Machado 1993)¹⁴ — that the police employed force, which far exceeded the size of the rebellion they wanted to repress. It seems that the police forces involved in the killing had no tactics, neither were they guided according to strategic intelligence recommendations. They did not seem to follow orders from a single, unified command, and therefore they did not try to save lives. Despite this peak of massacres has dropped during the 90's, the violence of the police in the police stations and in the poor districts of the large cities remains, as one can conclude by the annual report of Police Oversight (Ouvidoria de Polícia) in S. Paulo (www.ouvidoria-policia.sp.gov.br) as well as in other states such Rio de Janeiro and Pará.

Since the 70s, the police forces have undergone administrative reforms to become equipped to fight

¹³The absence of data and historical research do not allow us to know the social origin of such groups involved in extra-judicial killings in Brazil, nor to assess their coverage, especially in situations such as political transitions.

¹⁴For further analysis of police violence, see Pinheiro (1991) and Mesquita Neto (2011). Data from the S. Paulo State Public Security Secretariat had suggested a decline in this type of violence mainly after the Carandiru Massacre (October 1992), as a result of pressure from domestic and international public opinion. Recent information in the press suggests that violence figures seem to have soared in the first quarter of 1998.

“public disorder” in the cities. However, the “modernizing” measures have contributed little to a level of operation compatible with the requirements of a democratic state, subjected to the rule of law. Neither have any such measures contributed to the effectiveness of preventive/repressive patrolling or judiciary police functions. Patrolling for visibility with a theatrical showing off of force (Fernandes, 1989) has not completely disappeared. During electoral campaigns it is common to see candidates from various parties threatening to enhance this theater if they are elected. In addition to this, corruption in the police forces seems to have intensified in the last few years of this focused period (Mingardi, 1992). The “cooperation” among small company owners, drug pushers and policemen (civil and military policemen) seems to form the basis of some parallel power competing with the public sector for the monopoly on legitimate physical violence, as recent warfare among gangs for drug traffic control suggests (Zaluar, 2002). This warfare exists at varying levels of intensity all over the country, although it is more visible in the city of Rio de Janeiro.

To this picture, one must add the lynching cases that have been frequently present in the printed and electronic media in the last two decades. Although it not a recent phenomenon - Brazilian historiography has documented facts such as these since the colonial period (1500-1822) - they seem to have intensified in the recent years, mainly in cities such as S. Paulo and Salvador (Bahia) (Pinheiro, Adorno, Cardia et. all, 1999). Available studies suggest that such conflicts tend to occur in contexts of deep cleavages of the traditional social hierarchies, impelled by the growth of the violent crime and its impact on social relationships. Such cleavages affect power hierarchies that organize and structure relations between citizens and between them and authorities in charge of social control in a context of rule of law. Newspaper coverage also suggests that lynching cases are very common in poor districts of the periphery of metropolitan areas (Natal, 2013; Martins, 1995).

Lesser known the actions of death squads seem to be motivated by private modes of morality and sense of justice in contexts deemed to be unbearable: such as the rape of children and or adolescents, or robbery followed by death of well liked members of the community -, asks for a immediately answer and punishment. This has contributed to exacerbate conflicts in predominantly working class districts. They predominate in the Brazilian metropolis, such as Rio de

Janeiro and S. Paulo. They grew from the 1980's on and are formed by civilians, citizens, inhabitants of the popular districts, acting with or without the agreement, or complicity of the police forces, local dealers, traditional inhabitants or other social agents which would not be directly involved in the lawsuits. Its victims' are generally other citizens, sometimes from of the same poor districts where the perpetrators live and act (Adorno & Cadria, 1999; Huggins, 1998).

The perpetrators of multiple killings - “chacinas” -, whether or not associated to drug trafficking, are equally anonymous. The actions of such multiple killings seem to have intensified during the last five years of the period focused in this study, mainly in the periphery of the city of S. Paulo and in the metropolitan area. It is suspected that the lack of payment for drugs motivates many cases, whether they are the result of the drugs trade, wars or consumption. This modality of gross human rights violation has increased within the poorest districts (Manso, 2012). People living in such areas, whether or not linked with illegal activities lacking police protection find themselves at the mercy of this war between groups.

Finally, part of the violent deaths is the result of tensions in the interpersonal relationships that have nothing in common with everyday urban criminality. They result from conflicts among people who know each other. They include conflicts between couples, relatives, neighbors, and friends, working colleagues, people who share leisure spaces, sharing the public spaces, entrepreneurs and their employees. They result from misunderstandings about the ownership or property over some good, passions, unmet commitments, broken promises, unfulfilled expectations regarding the conventional performance of roles like father, mother, woman, son, student, worker, provider of the home etc. In many instances, they reveal the sensitiveness of the social tissue to tensions and confrontation, which, in the past, would not result in a fatal outcome. Multiple forms of violence can be added to this picture such as: violence in schools (Spósito, 2001); violence of the galeras and funk balls (Cecchetto, 2004; Vianna, 1996); domestic violence (Pasinato, 1998); youth gangs (Diógenes, 1998), as well as the killings of homosexuals (Spagnol, 2001).

Law and Order

This growth in violent urban crime has had an impact on the agencies in charge of public security. It has put pressure on the judiciary police and on the police in charge of preventing crime. It has forced them

to alter routines and to improvise at a time when the public was more demanding for their services. On the one hand, they faced pressure from organized sectors or powerful sectors of society for more and better policing, and on the other hand the demands for cuts in governmental expenditure further reduced depleted resources. Rationalization and re-equipment were key demands of the police authorities and these demands were partially satisfied in 1984 when the first elected governor was governing S. Paulo for nearly 20 years. Despite this investment, the economic crises had contributed to the reduction of the per capita expenditure on public security and the state judiciary throughout the 80s (Caldeira, 2000).

The challenges for the state to maintain its monopoly of the use of force are well known despite two decades of return to a democratic rule of law. Successive rebellions in maximum security prisons organized by members of organized crime such as Comando Vermelho e Terceiro Comando, (Red Command and Third Command) in Rio de Janeiro; and Primeiro Comando da Capital, (The First Command of the Capital) in São Paulo, responsible amongst others for the simultaneous riots in 29 state prisons in the state of São Paulo (February, 2001). Challenges from the criminal world are numerous: "rescuing" prisoners from maximum security prisons, holding law abiding citizens hostages to criminal elements in areas of major cities- dictating rules and subjecting people to their whims suggest the existence of urban territories where the rule of law does not penetrate.

The visible face of this crisis in the criminal justice system is impunity (Dahrendorf, 1985). Public opinion not only perceives the growth of crime but also of impunity. Crimes are either not punished or the punishment is not as rigorous as expected. This opinion is not unfounded. But if punishment may be sometimes slack, often some groups are overly punished: this is the case of poor people, of blacks, and migrants when compared to white members of the middle and upper classes accused of similar offenses (Adorno, 1999). The prevailing image of the criminal justice system is that of a funnel: wide at the base and narrow at the bottleneck.

The lack of reliable statistics and or periodic systematic data collection prevents us from knowing the real size of the problem and the extension of criminal impunity in Brazil. Despite this major gap some evaluations allow some clues about this impunity. Crimes such as thefts – part of what is considered to

be petty criminality, are not investigated. But this lack of investigation extends to more serious crimes such as armed robberies, drug traffic, and even homicide. Together they constitute what is called "areas of penal exclusion". It is suspected that the areas of exclusion are even higher on gross human rights violations: moreover they involve killings by the police forces, private security groups, death squads and or lynching mobs, and cases that victimizations of trade union leaders from urban or rural areas. Similarly it is suspected that there are higher rates of impunity for white-collar crimes committed by members of the middle or upper classes.¹⁵

Lack of trust in the criminal justice system is fed by this selective impunity. Ever most mistrustful of the system citizens, who have the means, appeal more and more to private means of security. As result the sector of private security grows non-stop. Meanwhile the majority of the population is left to fight for themselves sometimes resorting to the "protection" of drug dealers to solve conflicts or to ensure their families' physical integrity. Both forms of protection further erode the concept of public security.

To summarize: the Cardoso Administration faced a very unfavorable scenario in terms of public security. Aside from the authoritarian legacy and the polarization of public debate in terms of human rights, it inherited a context of growing: violent crime, organized crime, lynching, hired killings, interpersonal violence, and gross human rights violations. This was made more complex by the crisis of the criminal justice system (Adorno, 1998). The process of democratization coincided with a strong economical crisis and powerful restrictions on state investment to support economic growth. On the one hand the state was incapable to reduce violence stimulating economic growth, expanding the labor market and ensuring a modicum of quality of life to the majority of the population. If the economic crisis affects the quality of life of large contingents of the population it also affects the capacity that the state has to enforce the laws and to ensure the security of the population.

Achievements of the Cardoso Administration

Amidst this challenging political scenario the Cardoso Administration tried to implement its public

¹⁵See Sérgio Adorno & all, "Law, Order and Impunity in Contemporary Brazil" in José Vicente Tavares dos Santos & Abdul-Mumin Sa'ad(eds), *Frontiers in Social Control and Deviance*. Forthcoming.

security program. The interventions were not always well integrated: human rights initiatives occurred simultaneously with initiatives to control arms and illegal drugs and for states to build more prisons facilities. At the managerial level there were multiple difficulties, in particular with the Federal Police having to intervene in states where the Military Police went on strike, such as in 1997 in the State of Minas Gerais. These efforts had varying results as they attended conflicting demands from different groups in society, each of them with their own diagnosis of violence and their own set of actions for change improvement of penal justice and public security in Brazil.

The initiatives in the field of human rights are the more broadly known. These had more visibility in the media, and were more accepted by part of the political class. It is still early to assess the impact of these measures, but it is possible that they have reduced some of the resistance to human rights (Cardia, *et al.* 2012). At the limit this expression is now more familiar to the public. In the first year of the first term of the Cardoso Administration a broad dialogue in society allowed for the development of the National Human Rights Program, much influenced by the World Conference on Human Rights of 1993 in Vienna. One of the major results of the Conference was the recommendation that countries should produce national human rights programs as means to integrate the promotion and the protection of human rights within their governmental priorities. Announced by the administration of the 7th of September, the Program was launched on the 13th of May with 226 measures following the massacre of landless peasants that occurred at Eldorado dos Carajás, in the state of Pará.

The story of how the program was produced was told and analyzed by Pinheiro, and Pinheiro & Mesquita Neto (Pinheiro & Mesquita Neto, 1997; Pinheiro & Mesquita Neto, 1998). In the authors' assessment they highlighted the following aspects of the Program: a) it was not affected by party lines it has avoided ideological disputes the defense of human rights has become attached to the consolidation of democracy in Brazil; b) the Program expresses a partnership between organized civil society and the state, but a partnership in which the autonomy of society is ensured. The program is not just a contract between the state and NGOs; c) human rights are recognized as indivisible as recommended by the 1993 World Conference; d) it also recognizes that human rights go

beyond national borders and encompass rights from International Covenants and Treaties; e) human rights policies are considered to be state policies, independently of the government in power. The right to resort to international courts to ensure the protection of human rights at the domestic level was also recognized. This was a very ambitious and broad Program and the achievements are numerous.

If in the realm of human rights much was done in terms of public security policies the first four years (1994-98) of the Cardoso Administration was rather timid. It was during his second term in Office that more important measures were adopted, after much pressure from the public as result of the growth in violent crime. Still it was only in 2000 that the federal government made explicit what the priorities in the area were with the National Program of Public Security. This Program spelled out the role of the federal government and that of the states in the provision of public security and defined in detail the measures that would be adopted to prevent drug traffic, and cargo hijacking, improve arms control and to promote disarmament, develop a system of data collection and of crime intelligence, expand the program of witness protection. At state level it identified as priorities to reduce crime and urban disorder the reduction of crimes against property, drug gangs, and groups responsible for executions. In terms of the police forces the Program foresaw the need to: re-equip and to re-train police officers as well as to improve the prison system. It also innovated creating the National System of Public Security, which was to integrate the public security approach to Law and Order in a human rights and social policies perspective: meaning that the reduction of crime and violence was understood to require the improvement of the quality of life in general, and in particular in the more precarious districts.

Other aspects of crime control such as the control and repression of drug trafficking, even though mentioned in the National Public Security Program, are domains of the Anti-Drugs National Secretariat. Institutional structures to control illegal drugs exist since the 1930's and were much improved in the 1970's. During the Cardoso Administration the structures were reformed and a National System to Prevent, Oversee and Repress Drugs was established. This structure is made up of a series of agencies and institutions in charge of defining, implementing and overseeing the implementation of governmental

guidelines. This System sought to improve international cooperation in particular with countries along the drug routes to Europe and North America. The Cardoso Administration established international agreements to exchange police data and techniques for drug control. The United Nations recommendations for drug control were followed as well as those produced by the United States government.

Not only did the drug control system grow but it became much more complex. Also the control and the repression of drug trafficking were transferred from a civilian domain to a military one, resulting in a clear the loss of decision-making power and relevance from the agencies in the Ministry of Justice to the agencies of the Military Office subordinated to the Presidency. It is not just that the issue of illegal drug is taken from civilian hands into the military but also that is the higher echelon that now decides about course of action. As this theme grows in importance the roster of measures adopted to control, restrict or prevent drug's traffic within the borders as well as the international trade also grows. Prevention now means to intervene also in areas that would be more sensitive to fall prey of the drug traffic: poor communities, disorganized ones, or to prevent the contamination of the police forces through corruption or else the involvement of the economic elite (Adorno & Pedroso, 2001).

Despite its breadth both the National human Rights Program and the National Public Security Program did not succeed in achieving the reduction of collective fear and insecurity, nor do they seem to have been able to reduce urban crime. The National Human Rights Program brought the issue of human rights to the political agenda and this was a major success but it has not managed to convince citizens that the promotion and protection of human rights is a prerequisite of public security. The Program failed to establish a link between human rights and public security. It is certain that some progress was made in the eight years of the Cardoso Administration and that the resistance to human rights is no longer as solid as before, still average citizens have not established a connection between rights and fear of crime, criminals and violence in general.

Epilogue: Impasses and Viable Exits

Against this background, nowadays some voices are heard drawing comparisons between the Brazilian context and that of present Colombia. It is in this setting that advocates for the death penalty, for the immediate

entrance of the country in the "war against drugs" proliferate. In this process the differences between Brazil and Colombia are ignored. Presently Colombia grows coca as well as processes it. It has taken over planting areas that used to be supplied by Peru and Bolivia. Different layers of the society are involved in this process. Also Colombia is in a state of virtual civil war: the state does not have the monopoly of the use of force and does not control all national territory, while paramilitary and guerrilla groups are accused of being involved with the drug production and trade. (Avilés, 2001; Machado, 2001; Arrieta & all, 1991; Ramirez & all, 2005); In a first impression, this bears no similarity to Brazil. What is similar is that both countries present very high homicide rates.¹⁶

As I have mentioned in the beginning of this text, since the mid-70s, Brazilian society has experienced profound changes in all its dimensions: market, work organization, technological modernization, and relations between social classes, genders, generations and ethnicities. Changes were also noticed in the forms of political participation and representation, as well as in the mobilization of social interests and in the uses and forms of appropriation of urban social spaces. The cities expanded beyond their traditional boundaries, creating huge peripheries, poor public services and the absence of authorities and institutions to promote social welfare. Furthermore, during the process of democratic transition (1979-1988) there was no internal pacification of society as expected, with the end of the persecutions and arbitrary policies against groups that resisted the military dictatorship. In contrast, the growth of crimes fueled wars among criminals, gangs and police, and stimulated cycles of revenge and violence that have led to high numbers of deaths of young people from the suburbs, and even police officers.

Although it is not yet consensus among researchers which reasons explain the arrival of organized crime in Brazil and its roots in the large popular neighborhoods, in any case, it is certain that "the emergence of organized criminality in Brazil cannot be separated from the conditions and trends found in contemporary society, in particular since the 1970's, in the wake of the neoliberal changes that inaugurated the so-called era of economic globalization and the weakening of the

¹⁶This similarity justifies comparative studies between them, but one that should be scientifically oriented, such as the researches on Brazil and Latin America from Maria Fernanda Peres and Arturo Alvarado within the Center for the Study of Violence's CEPID program. See www.nevusp.org

nation-states. In a short space of time these changes promoted deep deregulation of markets, above all financial markets. This triggered an ordered sequence of processes: alteration of traditional national borders, incentives to an increasingly malleable flow of capital, the creation of space for illegal activities that made the ownership of capital autonomous, monetary circulation to physical paradises free from institutional constraints, apt for the financing of operations such as trafficking in drugs, people and human organs, weapons smuggling, fiscal and financial fraud, pirating of merchandise and services, falsification of pharmaceuticals, the spread of gambling and other modalities". (Adorno & Salla, 2007, p. 9-10).

In this social context, other changes have had enormous influence on the arrival of organized crime in Brazil, such as the spectacular technological developments in the field of computing and communications. Also, "the accelerated rise of megacities, with more than eight million inhabitants and with their polycentric systems, instituting zones of social and spatial segregation, set the stage for the rise of new standards of poverty and new forms of social inequalities". (Adorno & Salla, 2007, p.10).

Unlike what happened in Colombia in the last three decades, in Brazil urban and rural guerrillas were defeated at the expenses of violent actions perpetrated by the repressive state apparatus, as well as due to the action of paramilitary groups. There was no effective loss of state control over the territory as a whole, despite the existence of extensive areas in the neighborhoods where mostly low-income workers live, which are dominated by trafficking. In these areas, the police presence is less frequent, when not seldom conflictive, so that control of the territory is partial. In some neighborhoods, traffic exercises the control that should come from the State, establishing rules of access and movement in the streets and local institutions, such as bars and trade areas. Infractions of these rules are severely punished, even with death. Still, the conflict has not become widespread for the whole of society, and there is also no association between guerrillas and drug traffickers.

Admittedly, these illegal activities are accompanied by the expansion of corruption inside the state. It is known that police officers benefit from trafficking, exert protection activities and even run these businesses. It is not yet known the extent of corruption in the entire contingent of military and civilian polices. In some

areas of the state, corruption probably penetrated with greater intensity and took root, creating numerous problems for the public management of state affairs. In other areas, however, this did not occur with such intensity. One may suspect that this sort of corruption will become systemic. Still, it seems not to have captured the entire state apparatus, especially the criminal justice system.

In short, Brazilian society has not experienced the economic, political and social conditions that have led to the creation of the drug cartels in Colombia. Therefore, one cannot speak of "colombialização" of organized crime in Brazil (Arias, 2006; Misse, 2007).

I consider that the Brazilian scenario seems closer to that in Italy at the time of the Clean Hands Operation in the 1980's: when violence exploded in the midst of the growth of democracy and when cleansing the criminal justice system became imperative. As investigators began to unravel the connections between corruption, crime, violence and the mafia, the inadequacies of the criminal justice system were made bare. It was then that some politicians and sectors of the Judiciary committed to modernizing the country and preserving the Rule of Law faced the power of the mafias that were inside the fabric of state institutions and civil society. The leaders of this process succeeded without infringement of the Rule of Law or of due process, counting on their will and on civil society's willingness to cooperate. It was not necessary to adopt measures that restricted rights, even temporarily, or worse, which would bring terror to law-abiding citizens (Ruggiero, 2010; Siegel & Nelen, 2008).

The assumption I would make, but one that should be further backed by more thorough research, is that one could view Brazilian society from a similar angle. Even though the country has never experienced mafias as such, the growth of violence can be focused as part of a larger and very complex social change, and not simply a legacy from the past. The progress of democracy in society is not absent of conflicts. In fact conflicts could intensify as result of democracy. Here I mean not only conflicts between institutions –old and new ones -, but also conflicts between political leaderships using different styles and degrees of commitment to the public good, and between generations: old and new. Conflicts can be identified in many spheres of collective struggle for rights. Conservative forces are struggling against modern ones. No field is spared in this type of confrontation.

Thus, it is not surprising that the field of human rights and public security policies also express the presence of such conflicts. Much to the contrary, it is exactly in these two fields that the conflicts and the ambivalence between the past and the present gain more visibility. Claims for more and more forceful forms of repression the protection and promotion of human rights become polarized. It should not come as a surprise that leaders of organized crime adopt medieval forms of discipline based on terror and in barbaric cruelty while adopting very sophisticated means of communication, as well as mixing terror with solidarity, and will even preach their belief in democracy, equality and freedom. Should this be the case, should the contradictions and conflicts expressing not only the presence of violence but also the conflicts that permeate the consolidation of democracy, security and the promotion of human rights are part of the same grammar, and the reduction of violence requires the strengthening of the democratic experience, not its interruption.

ACKNOWLEDGEMENTS

Conselho Nacional de Desenvolvimento Científico e Tecnológico (CNPq) and Nancy Cardia, Viviane Oliveira Cubas and Vitor Blotta (from The Center for the Study of Violence – NEV/USP) and Renato Sérgio de Lima (Brazilian Forum of Public Security) for their review and comments.

REFERENCES

- Adorno, S. (1996). *A Gestão Urbana do Medo e da Insegurança (Violência, Crime e Justiça Penal na Sociedade Brasileira Contemporânea* [The Urban Management of Fear and Insecurity: violence, crime and penal justice in Brazilian society], Tese de Livre-Docência. São Paulo: FFLCH/USP.
- Adorno, S. (1998). O gerenciamento público da violência urbana: a justiça em ação. In. Pinheiro, P. S. (ed), *São Paulo sem Medo. Um Diagnóstico da Violência Urbana*. Rio de Janeiro: Garamond, 227-46.
- Adorno, S. (1999). Racial Discrimination and Criminal Justice in São Paulo. In. Reichmann, R. (ed). *Race in Contemporary Brazil. From Indifference to Equality*. University Par: Penn State University Press, 123-37.
- Adorno, S. (2002). 'The Juvenile Delinquency: Myths, Images and Facts', in. Rotcker, S. (ed), *Citizenship of Fear, Urban Violence in Latin America*. New York: Rutgers; The State University of New Jersey Press, 102-116.
- Adorno, S. (2013). A banalidade da violência contemporânea: o problema da anestesia moral. In. Brepohl, M. (org), *Eichamn em Jerusalem 50 anos depois*. (Curitiba: Editora UFPR, 2013), 79-101.
- Adorno, S. et al. (Forthcoming). Law, Order and Impunity in Contemporary Brazil. Santos, J. V. & Sa'ad, A. *Frontiers in Social Control and Deviance*.
- Adorno, S. & Cardia, N. (1999) Dilemas do Controle Democrático da Violência: Execuções Sumárias e Grupos de Extermínio. In. Santos, J. V. (org), *Violência em Tempo de Globalização*. São Paulo: Hucitec, 66-90.
- Adorno, S. & Cardia, N. (2009). 'Democracy, Violence and Human Rights in Contemporary Brazil', *Forum- Latin America Studies Association*, v. XL, issue 2 and 3, Spring/Summer, 23-25.
- Adorno, S. & Salla, F. (2007). 'Organized criminality in prisons and the attacks of the PCC'. *Estudos Avançados* [on line], v.2, n.61, 7-29.
- Adorno, S. Pedroso, J. (2001). Políticas de Controle e Repressão ao Tráfico Internacional de Drogas: Estudo Comparativo de Brasil e Portugal (1980-1990). In. Pureza, J. M. & Ferreira, A. C. (orgs). *A Teia Global. Movimentos Sociais e Instituições*. Porto: Afrontamento, 219-53.
- Arias, E. D. (2006). The Dynamics of Criminal Governance: Networks and Social Order in Rio de Janeiro', *Journal of Latin American Studies*, v. 38, issue 2, 293-325. <http://dx.doi.org/10.1017/S0022216X06000721>
- Arrieta, C. G. et al. (1991). *Narcotráfico en Colombia*. Dimensiones políticas, económicas, jurídicas e internacionales. Bogotá, Universidad de los Andes.
- Assis, S. G (1997). Situação de la violencia juvenil en Rio de Janeiro. In: Taller sobre la violencia de los adolescentes y las pandillas [maras] juveniles. *Oficina Panamericana de la Salud (OPS/OMS)*. San Salvador, El Salvador, mayo, 7-9.
- Avilés, W. (2001). Institutions, Military Police, and Human Rights in Colombia', *Latin America Perspectives*. 116, vol. 28. January, 31-55.
- Bercovich, A. et.al. (1998). Descontinuidades demográficas, in Madeira, F. (org). *20 anos no ano 2000: Estudos Sociodemográficos sobre a Juventude Paulista*, São Paulo: Fundação SEADE.
- Caldeira, T. P. R. (2000). *City of Walls: crime, segregation and citizenship in Sao Paulo*. Berkeley and Los Angeles: University of California Press.
- Camargo, A. B. M. et al. (1995). Evolução da Mortalidade por Acidentes e Violências em Áreas Metropolitanas' in Carlos Augusto Monteiro, (org). *Velhos e Novos Males da Saúde no Brasil. A Evolução do País e suas Doenças*. São Paulo: Hucitec; NUPENS/USP, 256-67.
- Cardia, N. et al. (2012). Pesquisa nacional, por amostragem domiciliar, sobre atitudes, normas culturais e valores em relação à violação de direitos humanos e violência: Um estudo em 11 capitais de estado. [The quasi longitudinal survey study: exposure to violence and socially shared representations and attitudes to justice, punishment and human rights]. São Paulo: Núcleo de Estudos da Violência da Universidade de São Paulo. Accessed in September 9th, 2013, http://www.nevusp.org/portugues/index.php?option=com_content&task=view&id=2858&Itemid=124
- Cardoso, F. H. (1994). *Mãos à Obra*. Proposta de governo. Brasília: Brasília.
- Castro, M. M. P. (1993). Assassinatos de Crianças e Adolescentes no Estado de São Paulo', *Revista Crítica de Ciências Sociais*, (Coimbra: Centro de Estudos Sociais/CES, 36, 81-102.
- Cecchetto, F. R. (2004). *Violência e Estilos de Masculinidade*. Rio de Janeiro: FGV – Fundação Getúlio Vargas.
- Chevigny, P. (1995). *Edge of the Knife. Police Violence in the Americas*. New York: New Press.
- Centro de Estudos de Cultura Contemporânea – CEDEC (1996). *Mapa de risco da violência: cidade de São Paulo*. São Paulo: Cedec.

- Coelho, E. C. A. (1988). Criminalidade Urbana Violenta. *Dados - Revista de Ciências Sociais*, Rio de Janeiro, IUPERJ, 31:2, 145-83.
- Cubas, V. O. (2013). *A Ouvidoria e o controle da atividade policial na percepção dos policiais militares*. 2013. Tese Doutorado em Sociologia. São Paulo. FFLCH-USP.
- Dahrendorf, R. (1985). *Law and Order*. London: Stevens, 1985.
- Dias, C. C. N. (2013). *PCC – Hegemonia nas prisões e monopólio da violência*. São Paulo: Saraiva.
- Diógenes, G. (1998). *Cartografias da Cultura e da Violência: Gangues, Galeras e Movimento Hip-Hop*. São Paulo: AnnaBlume.
- Feiguin, D. & Lima, R. (1995). Tempo de violência: medo e insegurança em São Paulo. *São Paulo em perspectiva*. vol. 9, nº 2, abr./jun.
- Feltran, G. (2011). *Fronteiras sob tensão*. Política e violência nas periferias de São Paulo (São Paulo: Editora UNESP).
- Fernandes, H. (1989). Rondas à Cidade: uma Coreografia do Poder. *Tempo Social. Revista de Sociologia da USP*. São Paulo, 1:2, 121-34.
- Freitas, G. et al. (2012). *Brasil real: a desigualdade para além dos indicadores*. São Paulo: Outras Expressões.
- Huggins, M. (1998). *Political Police: The United States and Latin America*. Durham: Duke University Press.
- Huggins, M. & Castro, M. M. P. (1996). Exclusion, Civic Invisibility and Impunity as Explanations for Youth Murders in Brazil. *Child Hood. A Global Journal of Child Research*. London: Sage Publications, 3:1, 77-98. <http://dx.doi.org/10.1177/0907568296003001006>
- Klein, M. (1995). *The American Street Gang*. New York, NY: Oxford University Press.
- Lagrange, H. & Roché, S. (1993). L'insécurité: histoire et regulation. *Études et Recherches*. Paris: IHESI - Institut des Hautes Études de la Sécurité Intérieure. Paris, mimeo.
- Linz, R. & Stepan, A. (1978). *The Breakdown of Democracies*. Baltimore: John Hopkins University Press.
- Machado, L. O. (2001). The Eastern Amazon basin and The Cocaine complex' in *International Social Science Journal, International Social Science Journal*. Londres and Paris, UNESCO. v. LIII, no. 3, 387-395.
- Manso, B. P. (2012). *Crescimento e Queda dos Casos de Homicídio na cidade de São Paulo entre 1960 e 2010*. Uma análise dos mecanismos da escolha homicida e das carreiras no crime. São Paulo. FFLCH-USP.
- Marques, J. B. A. & Machado, M. L. (1993). *História de um Massacre. Casa de Detenção de S. Paulo*. São Paulo/Brasília; Cortez/Ordem dos Advogados do Brasil.
- Martins, S. J. (1995). As Condições do Estudo Sociológico dos Linchamentos no Brasil. *Estudos Avançados*. Vol. 9 (25). <http://dx.doi.org/10.1590/S0103-40141995000300022>
- Mello Jorge, M. H. P. (1998). "Adolescentes e jovens como vítimas". In. Pinheiro, P. S. et al. (org.). *São Paulo sem medo: um diagnóstico da violência urbana*. Rio de Janeiro, Garamond.
- Mesquita Neto, P. (2011). *Ensaio sobre Segurança Cidadã*. São Paulo: Quartier Latin/FAPESP.
- Mingardi, G. (1992). *Tiras, Gansos e Trutas*. Cotidiano e Reforma na Polícia Civil, (São Paulo: Página Aberta).
- Misse, M. (2007). Illegal Markets, Protection Rackets and Organized Crime in Rio de Janeiro. *Estudos Avançados*, 21 (61), 139-157. <http://dx.doi.org/10.1590/S0103-40142007000300010>
- Natal, A. L. (2013). 30 anos de linchamentos na região metropolitana de São Paulo - 1980-2009. Masters Dissertation. São Paulo. FFLCH-USP.
- Núcleo de Estudos da Violência/NEV-USP & Comissão Teotônio Vilela/CTV, *Os Direitos Humanos no Brasil*, (São Paulo: NEV-USP, 1993).
- Pasinato, W. (1998). *Justiça e Violência contra a Mulher: o Papel do Sistema Judiciário na Solução dos Conflitos de Gênero*. São Paulo: AnnaBlume.
- Pochmann, M. (2010). *Estrutura social no Brasil: mudanças recentes*. Serv. Soc., São Paulo, n. 104, out-dez, 637-649.
- Pietá, E. & Pereira, J. (1993). *Pavilhão 9. O Massacre do Carandiru*. São Paulo: Página Aberta.
- Pinheiro, P. S. (org) (1981). *São Paulo sem medo*. Um diagnóstico da violência urbana. Rio de Janeiro: Garamond.
- Pinheiro, P. S. (1991). *Escritos Indignados*. Polícia, Prisões e Política no Estado Autoritário. São Paulo: Brasiliense.
- Pinheiro, P. S. (1991). *Estratégias da Ilusão – A revolução mundial e o Brasil, 1922-1935* (São Paulo: Companhia das Letras).
- Pinheiro, P. S. (1997). Popular responses to State – Sponsored Violence in Brazil. In. Chalmers, D. et al. *The New Politics of Inequality in Latin America*. Oxford: Oxford University Press, 161-80;
- Pinheiro, P. S. (2000). Democratic Governance, Violence and the (un) Rule of Law', *Daedalus*, 129: 2, 119-43.
- Pinheiro, P. S. (2010). O Governo Fernando Henrique Cardoso e os Direitos Humanos. In. D'Incao, A. & Martins, H. *Democracia, Crise e Reforma*. Rio de Janeiro: Paz e Terra, 401-20.
- Pinheiro, P. S. & Mesquita Neto (1997). Programa Nacional de Direitos Humanos: Avaliação do Primeiro Ano e Perspectivas. *Estudos Avançados* 11:30, 117-34. <http://dx.doi.org/10.1590/S0103-40141997000200009>
- Pinheiro, P. S. & Mesquita Neto (1998). Direitos humanos no Brasil: Perspectivas no final do século. *Textos do Brasil, Cinquenta anos Declaração Universal dos Direitos Humanos*. Brasília: Ministério das Relações Exteriores, ano II: 6, 43-52.
- Pinheiro, P. S. Adorno, S. Cardia, N. et al. (1999). *Continuidade Autoritária e Construção da Democracia*. Research Report. São Paulo: NEV/USP. Available at: www.nevusp.org (last access: September 18th, 2013).
- Soares, L. E. et al. (1996). *Violência e política no Rio de Janeiro*. Rio de Janeiro: ISER/Relume Dumará.
- Ramírez, M. C. Stanton, K. Walsh, J. (2005). Colombia: un círculo vicioso de drogas y Guerra. In. Youngers, C. A. & Rosin, E. *Drogas y Democracia en América Latina*. Buenos Aires: Biblos, 131-183.
- Ruggiero, V. (2010). Who corrupts whom. A criminal eco-system made in Italy. *Crime Law and Social Change*, 54, 87-105. <http://dx.doi.org/10.1007/s10611-010-9242-9>
- Siegel, D. & Nelen, H (eds) (2008). *Organized crime: culture, markets and policies*. New York, Springer. <http://dx.doi.org/10.1007/978-0-387-74733-0>
- Spagnol, A. S. (2001) *O desejo Marginal. Violência contra Homossexuais na Cidade de S. Paulo*, (São Paulo: Arte e Ciência).
- Spósito, M. (2001). Um Breve Balanço da Pesquisa sobre Violência no Brasil. *Educação e Pesquisa*, 27:1 (2001), 87-103.
- Tsunoda, F. S. (2012). *Comissão Teotônio Vilela (CTV): direitos humanos e vocação militante*. Masters Dissertation. Department of Sociology. Faculty of Philosophy, Language and Human Sciences. University of São Paulo. Available at: <http://www.teses.usp.br/teses/disponiveis/8/8132/tde-18042013-110243/en.php> (last access September 9th, 2013).
- VEJA Magazine (1994). *O inferno por dentro*. Especial. São Paulo, 24 de agosto, 61-69.
- Vianna, H. (org) (1996). *Galeras Cariocas*. Rio de Janeiro: UFRJ.

Zaluar, A. (1993). Urban Violence, Citizenship and Public Policies. *International Journal of Urban and Regional Research*, 17: 1, 55-66.

<http://dx.doi.org/10.1111/j.1468-2427.1993.tb00212.x>

Zaluar, A. (2001). Violence in Rio de Janeiro: styles of leisure, drug use, and trafficking". *International Social Science Journal*. Londres and Paris, UNESCO, v. LIII, no. 3, 369-379.

Zaluar, A. (2002). Drug trafficking and the informal market in Rio de Janeiro. In: Chefay, C. Fabre, G. Scharay, M. (eds).

Globalisation, drugs and criminalisation, Final Research Report in Brazil, China, India and Mexico. Paris: United Nations Educational, Scientific and Cultural Organisation, United Nations Office for Drug Control and Crime Prevention, The UNESCO/MOST Secretariat.

Zaluar, A. (2004). *Integração Perversa: Pobreza e Tráfico de drogas*. Rio de Janeiro: FGV – Fundação Getúlio Vargas.

Received on 06-02-2013

Accepted on 17-09-2013

Published on 28-10-2013

DOI: <http://dx.doi.org/10.6000/1929-4409.2013.02.38>

© 2013 Sergio Adorno; Licensee Lifescience Global.

This is an open access article licensed under the terms of the Creative Commons Attribution Non-Commercial License (<http://creativecommons.org/licenses/by-nc/3.0/>) which permits unrestricted, non-commercial use, distribution and reproduction in any medium, provided the work is properly cited.