

RACISM AND NECROPOLITICS IN REPUBLICAN BRAZIL

RACISMO E NECROIPOLÍTICA NA REPÚBLICA DO BRASI

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Sabrina Daiana Cúnico

Doutora em Psicologia (PUCRS).

Professora na Pós-Graduação em Psicologia da Universidade Feevale.

E-mail: sabrinacunico@yahoo.com.br

 <https://orcid.org/0000-0003-2198-9957>

Helena Salgueiro Lermen

Doutora em Saúde Coletiva (UERJ).

E-mail: hslermen@gmail.com

 <https://orcid.org/0000-0002-7148-6760>

Greiceane Roza Vieira

Mestre em Política Social e Serviço Social (UFRGS).

Membro do Grupo de Pesquisa Saúde,
Gênero e Vulnerabilidade (SAGEV - UFRGS).

E-mail: greiceane_vieira@hotmail.com

 <https://orcid.org/0000-0003-2875-2004>

RESUMO

Este estudo versa sobre o racismo e sua expressão através das normativas penais e de segurança pública do Brasil republicano. Procuramos realizar uma análise histórica da necropolítica constituída no país americano que por mais tempo manteve o regime escravocrata, o que mais recebeu africanos escravizados e que, na atualidade, possui a terceira maior população prisional do mundo. Nosso principal objetivo foi investigar como a criação e aplicação de leis e de diretrizes funcionaram – e funcionam – como meios de controle, criminalização, aprisionamento e até execução de corpos negros no país. A análise proposta possibilitou constatar que, após a liberação de negros advinda da abolição da escravatura, o Estado fez diferentes usos de suas instituições legais, jurídicas e prisionais para controlar negros, sentenciando-os às mortes sociais ou concretas. Assim, observamos que racismo sempre foi uma variável central do processo legal e penal brasileiro, orientando também as práticas policiais. Tais fatores propiciam que, na atualidade, as pessoas negras sejam parte majoritária tanto no que se refere à população carcerária, quanto no que tange ao número de mortes decorrente da “guerra às drogas”. Novas ameaças à população preta e pobre ainda surgem com o advento nacional da ultradireita e o crescente armamento da população.

Palavras-chave: Racismo. Necropolítica. Legislações. Segurança Pública. Estado.

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ABSTRACT

This study talks about racism and its expression through criminal and public security regulations in republican Brazil. We conducted a historical analysis of necropolitics in the American country that kept slavery for the longest period, the one that most received enslaved Africans, and that, currently, has the third largest jail population in the world. Our main objective was to investigate how the creation and enforcement of laws and guidelines worked – and still do – as means of control, criminalization, imprisonment, and even the execution of black individuals in the country. The proposed analysis made it possible to determine that, after having black people been made free by the abolishment of slavery, the State made different use of its legal, judicial, and prison institutions to control them, sentencing them either to social or actual death. Therefore, we can see that racism has always been a central variable in the Brazilian legal and criminal processes, also orientating the police practices. Such factors help to create the current scenario, in which black people are the majority among the jailed population, as well as the most victimized group because of the “war on drugs”. New threats to the poor and black populations also rise with the national ultraright-wing advent and the growing arming of the population.

Keywords: Racism. Necropolitics. Legislations. Public Security. State.

1. Introduction

This study talks about racism and its expression through criminal and public security regulations in Brazil. On the occasion, in 2019, of the 200 years of the proclamation of the Republic of Brazil, we opted to make a historical record, trying to demonstrate how, throughout two centuries, the creation and application of laws and guidelines worked – and still do – as means of control, criminalization, imprisonment, and even the execution of black individuals in the country.

Even though our study has a historical content, the theme is opportune and current. “Black Lives Matter” movement, which started in 2013 in the United States of America (USA), has been condemning police and criminal racism in that country, echoing around several parts of the world. In Brazil, the same movement has been gaining strength by the public opinion and pointing out how structural racism impacts different scopes of black people’s lives in the country.

Critical analyses about racism in Brazil are especially relevant, since it is the country that has the second largest black population in the world, being only smaller than Nigeria’s. It is, hence, the nation with the largest black population outside Africa¹. This proportion is the direct result of a long period of slavery, since Brazil was the American

1 INSTITUTE FOR CULTURAL DIPLOMACY. Introduction to the African Diaspora across the world. Available on: http://www.culturaldiplomacy.org/index.php?en_programs_diaspora. Access on: 15 Jan. 2021.

country that received the largest number of slaves during the transatlantic trade and was the last nation in the continent to extinguish slavery. For about 350 years, 4.8 million Africans - almost 40% of the total people forcibly removed from Africa - landed in Brazil. Thousands more did not even survive the long and torturous journeys on the slave ships². Thus, the African diaspora happened in the Brazilian territory by means of a forced immigration of African slaves throughout almost three and a half centuries of slavery in the country.

Nowadays, according to governmental official data, Brazil has a population of 108.9 million black people, constituting 56.10% of the population. This number represents the sum of people who self-declared as “black” (19.2 million) and “mixed”³ (89.7 million). The other ethnical-racial categories officially adopted in the country are “white”, “native”, and “Asian”⁴, which represents a multiracial model, since it adopts more than three racial categories⁵.

For many years, this plurality of people and ethnicities that formed the Brazilian population froze “the debate about cultural diversity in Brazil, which was seen as a syncretic culture and with a mixed identity”⁶. This discourse of mixing as a “national identity” constituted by “fusion and integration of races and cultures” emerged at the beginning of the Brazilian Republic⁷, and it “would try to hide the racial conflicts in Brazil” by means of deletion of the black identity⁸. For Guimarães⁹, it was during this initial republican period that the “national development caused the reduction on the ideals of freedom at the end of captivity, limited equality to the limits of social classes, and transformed fraternity among races the only ground for social solidarity.”

The myth of “racial democracy” built upon that mixed national identity gained

2 SLAVE VOYAGENS. Sobre o projeto Slave Voyagens. Available on: <https://slavevoyages.org/about/about>. Access on: 15 Jan. 2021.

3 Translator’s note: the word used in Portuguese for this racial category is “pardo(a)”, which could be best translated as “brown”. However, this translation does not really cover the Portuguese meaning of a person who has a mixed racial background. The same is valid for the “Asian” category, whose Portuguese word is actually translated into English as “yellow.”

4 INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA (IBGE). Pesquisa Nacional por Amostra de Domicílios Contínua trimestral, 2019. Available on: <https://sidra.ibge.gov.br/tabela/6403>. Access on: 15 Jan. 2021.

5 SKIDMORE, Thomas E. Fato e mito: descobrindo um problema racial no Brasil. *Cadernos de Pesquisa*, v. 79, p. 5-16, 1991.

6 MUNANGA, Kabengele. Algumas considerações sobre “raça”, ação afirmativa e identidade negra no Brasil: fundamentos antropológicos. *Revista USP*, v. 68, p. 46-57, 2006, p. 52.

7 DANTAS, Carolina Vianna. O Brasil café com leite. *Debates intelectuais sobre mestiçagem e preconceito de cor na primeira república*. *Tempo*, v. 13, n. 26, p. 56-79, 2009, p. 63.

8 PINHO, Patrícia de Santana. Descentrando os Estados Unidos nos estudos sobre negritude no Brasil. *RBCS*, v. 20, n. 59, p. 37-50, 2005, p. 38.

9 GUIMARÃES, Antônio Sérgio Alfredo. A República de 1889: utopia de branco, medo de preto (a liberdade é negra; a igualdade, branca e a fraternidade, mestiça). *Contemporânea*, v. 2, p. 17-36, 2011, p. 18.

strength during the following decades, especially from 1940 on¹⁰. In practice, the harmony among races never existed in the country. In 200 years of a republican regime, racism continued as the basic national structure, having as its most perverse legacy the death of a lot of black lives. Nowadays, the country has alarming homicide rates, and, by no mere chance, black people are the main victims. Considering 2017 only, 65,602 people were killed in Brazil. This number is equivalent to 179 cases a day and, among the victims, 75.5% were black¹¹.

Beyond actual death, there is social death, due to deprivation of access and guarantee of fundamental rights, umbilically related to racism. The freedom obtained at the end of the 19th century had never been completely secured, since black people had always been the preferential targets of criminal and police prosecution in Brazil. An obvious reflection of that is the profile of the jail population in the country. Out of 755,000 imprisoned adults, 505,000 are black, which equals 66.9% of the national prison population¹². It is worth mentioning that among the general Brazilian population over 18 years old, black people correspond to 55.4%¹³. In addition, a close relationship between race and purchasing power prevails in Brazil, since the black population corresponds to 78% of the poorest and only 25% of them is among the richest¹⁴. Such data reveal racism and Brazilian criminal selectivity, punishing and imprisoning primarily black and poor people.

The discrepancy between black and white people is historical in Brazil. Racism spans more than five centuries in the country, from the slavery period to the current prison dungeons, in which people, mostly black, are imprisoned, reaffirming, throughout the time, a pattern in State policies that condemns certain populations. This historical, political, and social context unveils national aspects of necropolitics. Such term was coined by Mbembe¹⁵ for the purpose of denominating current political ways that subjugate life over the power of death, situation to which large populations are put through life conditions that give them the status of a “living dead”, as the author says, since the fact that those populations die becomes acceptable within the death zones defined by the State. Starting from this conception developed by Mbembe¹⁶, we conducted a historical

10 GUIMARÃES, Antônio Sérgio Alfredo. *Democracia Racial*. Cadernos Penesb, v. 4, p. 33-60, 2002.

11 FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). 12º Anuário Brasileiro de Segurança Pública. São Paulo, 2018.

12 BRASIL. Levantamento Nacional de Informações Penitenciárias – Infopen - julho a dezembro de 2019. Brasília, DF, 2019a. Available on: <http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen>. Access on 15 Jan. 2021.

13 Ibid.

14 CALEIRO, João Pedro. Os dados que mostram a desigualdade entre brancos e negros no Brasil. *Revista Exame*, 2018. Available on: <https://exame.abril.com.br/brasil/os-dados-que-mostram-a-desigualdade-entre-brancos-e-negros-no-brasil/>. Access on: 15 Jan. 2021

15 MBEMBE, Achille. *Necropolítica*. 3. ed. São Paulo: N-1 Edições, 2018.

16 Ibid

analysis of necropolitics in the American country that kept slavery for the longest period, the one that most received enslaved Africans, and that, currently, has the third largest jail population in the world¹⁷. Here, the understanding of Ribeiro¹⁸ can be highlighted. The author considers that inequality originates from the way the dominant hegemony articulates some identities, that is, certain identities result from an oppression structure that privileges specific groups, designating either the privileged group's or the unprivileged group's trajectories in a society.

In this study we propose a time frame. We start from the abolishment of slavery until the characteristics that report, currently, the country's prison confinement process. It is not a matter of describing every law passed during the Brazilian republican period, which would be unenforceable in a few pages, but to present relevant criminal and public security rulings produced during the last two centuries and their consequences to the black population. As we will present in this study, some of those laws were inspired by international models, mainly from the USA, and guided racist practices operated by the Brazilian State. Thus, we will also highlight some of the convergences between the USA and Brazil, the influences the former has on the latter, especially regarding the production of public security laws from the second half of the 20th century on. We will not ignore the fact that both countries have a different past and different constitutions. If under the American dynamics it is undeniable to identify explicitly segregationist laws that guided the organization of its southern states, in Brazil, discriminatory racism has always been guided by more subtle actions, though not less perverse, to maintain the interests of the elites¹⁹. Therefore, in this study, we aimed to point out the Brazilian historical particularities in order to investigate the Brazilian State racism and its own means to build and implement its necropolitics stemming from the judicial liberation of black people resulting from the abolishment of slavery.

2. From the abolition of slavery to the eugenics policy: control e criminalization of black people after the end of slavery (1888 to 1945)

The Golden Law, enacted on May 13th, 1888, is popularly recognized as the legal framework for the extinction of slavery in Brazil, although, historically, abolitionism in the country can be qualified as a process, since it resulted from a chain of factors and

17 WORLD PRISON BRIEF. Highest to Lowest - Prison Population Total. London, 2020. Available on: https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All. Access on 15 Jan. 2021.

18 RIBEIRO, Djamila. *O que é lugar de fala?* Belo Horizonte: Letramento, 2017.

19 BORGES, Juliana. *Encarceramento em massa*. São Paulo: Jandaíra, 2020.

previous acts, such as the Eusébio de Queirós Act (1850), which intended to suppress slavery by prohibiting the slave trade to Brazil; the Free Womb Law (1871), whose objective was to free the children born to slave women in Brazil; and the Sexagenarian Law (1885), which granted freedom to slaves who were 60 years old or over, although the majority did not reach that age. This temporal succession of laws progressed systematically until the extinction of slavery in Brazil in 1888, the last year of Brazil's imperial period (1822-1889), considering that Brazil was a Portuguese colony for 290 years, between 1532 and 1822.

The proclamation of the Republic of Brazil in 1889, accompanied by the abolitionist process, the culmination of which dates to 1888, resulted in the release of nearly one million African descendants. Consequently, new legislation had to be written to replace the slave-based Criminal Code that was valid at that time. Introduced in 1890, the new Criminal Code had relevant alteration, such as the introduction of a concept that divided the infractions of the Criminal Law into crimes and misdemeanors. This novelty created a behavioral categorization in society, standing out, as undesirable behaviors, gambling, prostitution, unlicensed street commerce, and loitering. Such behaviors were considered misdemeanors, understood as harmful to the republican society, which in turn legitimized the power of those in charge of enforcing the law in daily life. Thus, the discretion granted to State agents ended up projecting a police institution that compensated for the vagueness of the law inherent to minor crimes by their actions, mostly coercive²⁰.

The advent of the new Criminal Code culminated, at the time, in a frightening increase in the number of prisoners for violations such as loitering. That was a criminal and police response to a demand of the Brazilian elite, which, in 1888, had already proposed to the House of Representatives a project "to repress idleness" for newly freed black people. The repression of loitering sought to "build a system of persecution and control of the so-called dangerous classes, with the formal justification of promoting the moral correction of idleness and its degeneration, imposing a regenerative ethics built around forced labor in correctional institutions"²¹. Therefore, "[...] by transforming the freedmen into waged labor force, the threat posed by the freed black men was solved"²². Hence, work was both a means of controlling black people and a guarantee of labor for

20 MAIA, Clarissa Nunes et al. (Orgs.). *História das Prisões no Brasil*, volume 2. Rio de Janeiro: Rocco Digital, 2013.

21 TEIXEIRA, Alessandra; SALLA, Fernando Afonso; MARINHO, Maria Gabriela da Silva Martins da Cunha. *Vadiagem e Prisões Correcionais em São Paulo: Mecanismos de Controle no Firmamento Da República*. *Estudos Históricos*, v. 29, n. 58, p. 381-400, 2016, p. 386. TEIXEIRA, Alessandra; SALLA, Fernando Afonso; MARINHO, Maria Gabriela da Silva Martins da Cunha. *Vadiagem e Prisões Correcionais em São Paulo: Mecanismos de Controle no Firmamento Da República*. *Estudos Históricos*, v. 29, n. 58, p. 381-400, 2016, p. 386.

22 CARVALHO, Marina Vieira. *Vadiagem e criminalização: a formação da marginalidade social do Rio de Janeiro de 1888 a 1902*. XII Encontro Regional de História ANPUH. *Anais*, 2006, p. 2. Available on: <http://www.snh2011.anpuh.org/resources/rj/Anais/2006/conferencias/Marina%20Vieira%20de%20Carvalho.pdf>. Access on: 15 Jan. 2021.

the market that was organized after centuries of slavery²³. Not only loitering, but begging, drunkenness and the practice of capoeira were also criminalized, being obvious means of persecution of the poorest sections of the Brazilian society, constituting a condemnable practice of social hygiene²⁴.

Such hygienist practices were reinforced during the first decades of the 20th century, when eugenicist ideas gained strength. The presumption of white racial superiority was widespread in the West during this period, with particular emphasis on Nazi Germany. In Brazil, such racist ideas found fertile ground for dissemination, considering the process of social and economic restructuring, after the long period of slavery. Immigrants, especially Europeans, received incentives from the Brazilian government for waged work in the country. Such incentives sought not only to replace the old slave labor but were also part of the strategy to whiten the national population²⁵ ²⁶. These measures made it even more difficult for former slaves to be able to integrate themselves into the new relations of production. Many of them appealed to autonomous, not always legal, means of survival²⁷. Thus, although the freed black people were required to remain productive, no alternative was offered to them for social integration after the abolition of slavery. In contrast, the market was open to white people from Europe.

In theory, the Golden Law should have granted black people the status of citizens, which was not authorized during the slave-based period. In practice, this did not happen. The inaction of the State to repair and reinsert, socially and economically, the black population led to new kinds of subjugation and depreciation of their lives. Legal instruments were created, but they only continued the Brazilian black necropolitics. If before black people were reduced to being “slaves” or “former slaves”, now they were considered “vagrants”, “criminals”, “baggers”, “drunks”. Their lives were still marked by social death. The supposed “racial democracy”, previously mentioned, was an intellectual rhetoric that did not find any correspondence with black people’s reality, a narrative that tried to deny all the racism upon which the country was built through the illusory idea of “mixed fraternity” of the Brazilian people.

23 Ibid

24 ROESLER, Átila da Rold. Sobre a vadiagem e o preconceito nosso de cada dia. *Justificando*, 2016. Available on: <http://www.justificando.com/2016/08/09/sobre-a-vadiagem-e-o-preconceito-nosso-de-cada-dia/>. Access on 15 Jan. 2021.

25 BERNARDINO, Joaze. Ação afirmativa e a rediscussão do mito da democracia racial no Brasil. *Estudos afro-asiáticos*, v. 24, n. 2, p. 247-273, 2002.

26 GOELLNER, Silvana. As Mulheres Fortes são aquelas que fazem uma raça forte: esporte, eugenia e nacionalismo no Brasil no início do século XX. *Recorde: Revista de História do Esporte*, v. 1, n. 1, p. 1-28, 2008.

27 CARVALHO, Marina Vieira. Vadiagem e criminalização: a formação da marginalidade social do Rio de Janeiro de 1888 a 1902. XII Encontro Regional de História ANPUH. *Anais*, 2006, p. 2. Available on: <http://www.snh2011.anpuh.org/resources/rj/Anais/2006/conferencias/Marina%20Vieira%20de%20Carvalho.pdf>. Access on: 15 Jan. 2021.

Such narrative of racial harmony seemed to gain strength with the decline (but not extinction) of the eugenicist movement after the end of the Second World War, in 1945²⁸. At that same year, the government of Getúlio Vargas in Brazil ended (1930-1945). During the so-called Vargas Era, two Criminal Codes were promulgated. The first, dated 1932, was entitled “Consolidation of Criminal Laws” and was in force until 1940²⁹. The second one, dated 1940 and still in force in the nation, is called the Brazilian Criminal Code³⁰. In accord with the interests that conjoined to its elaboration, it maintained characteristics of its predecessor, especially as a means of producing and reproducing power, immunizing from its intervention those who belong to the dominant hegemony, privileging their interests and criminalizing the subordinate social layers based on behaviors seen as typical of these populations, regulating criminality as adjacent to a predetermined class. Considering that the least privileged social classes in Brazil were – and still are – composed by a majority of black people, the 1940’s Criminal Code continued legal practices applied after the end of the slavery regime, which configured new ways of capturing black individuals.

That issue was reinforced the following year, with the institution of the Criminal Misdemeanor Law³¹. This law maintained the criminalization of loitering, presumed in the text as a “dangerous” practice, subject to deprivation of liberty. Article 59 of the law (still in force) defines loitering as:

[...] habitually giving in to idleness while being valid for work, without having an income that ensures enough means of subsistence or providing for their own subsistence through illegal occupation. The simple prison sentence, which varies from fifteen days to three months, can be extinguished in the case of ‘supervening acquisition of income, which ensures the convict sufficient means of subsistence’³².

This text presents the legal understanding of “loitering” as a moral and criminal deviation of those who do not work by choice, not by the lack of work per se. Unemployment was a misdemeanor that could lead to prison, disregarding any context or structure that could prevent people from being able to provide for themselves. The text also evinces

28 GUIMARÃES, Antônio Sérgio Alfredo. Democracia Racial. Cadernos Penesb, v. 4, p. 33-60, 2002.

29 BRASIL. Decreto nº 22.213 de 14 de dezembro de 1932. Revogado pelo Decreto nº 11, de 1991 Brasília, DF, 1932. Available on: <https://www2.camara.leg.br/legin/fed/decret/1930-1939/decreto-22213-14-dezembro-1932-516919-publicacaooriginal-1-pe.html>. Access on: 15 Jan. 2021.

30 BRASIL. Decreto-lei no 2.848 de 7 de dezembro de 1940. Código Penal. Brasília, DF, 1940. Available on: http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848.htm. Access on: 15 Jan. 2021.

31 BRASIL. Decreto-lei nº 3.688, de 3 de outubro de 1941. Lei das Contravenções Penais. Brasília, DF, 1941. Available on: http://www.planalto.gov.br/ccivil_03/decreto-lei/del3688.htm. Access on 15 Jan. 2021.

32 Ibid

the fact that people's values were not linked to their own life, but they were measured by their capacity of providing for themselves by legal and formal means, ignoring that the job market is denied to many people. Considering the difficulties to get a job that were imposed to black people, as previously described, we can predict who were the ones most imprisoned because of unemployment. For that matter, not having an income was also some sort of social death directed especially to black and poor people, indicating other forms of a Brazilian necropolitics.

It is vital to highlight that the last two legal landmarks mentioned before happened in a period in which democracy was not a possibility for the Brazilian people. This happened because since 1937 the country had been under a dictatorship, when the then President Vargas dissolved the Congress and granted the country, without any prior consultation, the Constitutional Charter of the New State. Among its main measures, the Constitutional Charter allowed death penalty, suppression of party freedom and freedom of the press, annulment of the independence of the Legislative and Judicial Powers, and the restriction of the prerogatives of the National Congress³³.

In non-democratic historical periods, the criminal offense of loitering served as a means of social control and state repression operated by the police, a penalty applied only to the poorest, especially black people. As Roesler comments³⁴, people used to carry their Work and Social Security Card as a kind of personal safeguard, avoiding, thus, possible detentions by the police on charges of loitering and, therefore, facing chances to go to prison. These treatments were common both during Vargas's dictatorship and in the civilian military dictatorship (the latter will be addressed in the next topic). The state of exception imposed by the Constitution of the New State lasted until 1945, when, at a worldwide level, the Cold War began, which would have as one of its consequences the influence of the USA in the public security policy of Latin America.

2. The Cold War and the military dictatorship in Brazil: the influence of the USA in the Brazilian public security policy (1946-1988)

Democracy was restored in the country in 1946, but it lasted less than two decades. Between 1946 and 1964, Brazil had nine presidents, being the last of them João Goulart, who took office in 1961. Goulart was considered by a part of the Society as a communist

33 BRASIL. Constituição dos Estados Unidos do Brasil de 10 de novembro de 1937. Leis Constitucionais. Rio de Janeiro, RJ, 1937. Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao37.htm. Access on: 15 Jan. 2021.

34 ROESLER, Átila da Rold. Sobre a vadiagem e o preconceito nosso de cada dia. Justificando, 2016. Available on: <http://www.justificando.com/2016/08/09/sobre-a-vadiagem-e-o-preconceito-nosso-de-cada-dia/>. Access on 15 Jan. 2021.

or “too leftist”, an unacceptable position for Americans, especially in times of the Cold War. After three years of tensions and political instability, in 1964, the coup d’état was announced. It was a joint action by the military and far-right political groups in Brazil and the USA³⁵. The Military Regime installed in 1964 overthrew the Constitution of 1946, preserving the National Congress, but dominating and controlling the Legislative power, supported by torture as the nucleus of the repressive system, a fact that produced deep scars on the state’s repressive apparatus^{36 37}. The 1967 Constitution was successively amended from 1964 to 1969 by Institutional Acts (AIs, from the Portuguese abbreviation), in a total of 17 institutional acts regulated by 104 complementary acts in the period that served as mechanisms for legitimizing and legalizing the military’s political actions, giving them extra constitutional powers³⁸.

The establishment of the Military Regime was accompanied by an intense repressive system linked to the fabrication of fear, constantly alerting against the slightest sign of subversion or disturbance of the public order. The military dictatorship represented – and still represents – a historic passage of shameful coercion of freedom and deprivation of not only social, but also human rights. Throughout the dictatorial regime, Brazil was denounced numerous times to the United Nations (UN)³⁹.

Regarding the racial relations of the dictatorship period, it is worth mentioning the structural racial violence committed by the criminal justice bodies, in addition to the violence suffered by black people engaged in the resistance movements to the regime. It is also noteworthy that the mechanisms of repression employed against the black population were different, depending on the social class to which the subject belonged. The reality of the black population residing in slums, suburbs, or other peripheral regions was, in general, permeated by arbitrary arrests, raids, torture, invasion of homes and other coherent and compatible actions with a criminal policy that had originated in the slavery period⁴⁰.

In addition to the described violence, there was a specific repression during the military regime against the movements of articulation of the black population. Such

35 RAPOPORT, Mario; LAUFER, Rubén. Os Estados Unidos diante do Brasil e da Argentina: os golpes militares da década de 1960. *Revista Brasileira de Política Internacional*, v. 43, n. 1, p. 69-98, 2000.

36 MAGALHÃES, Marionilde Dias Brepohl de. A lógica da suspeição: sobre os aparelhos repressivos à época da ditadura militar no Brasil. *Revista Brasileira de História*, v. 17, n. 34, p. 203-220, 1997.

37 SILVA, Anderson Moraes de Castro e. Do Império à República: Considerações sobre a Aplicação da pena de prisão na sociedade brasileira. *Revista Epos*, v. 3, n. 1, p. 1-15, 2012.

38 BRASIL. Ato Institucional nº 5, de 13 de dezembro de 1968. Brasília, DF, 1968. Available on: http://www.planalto.gov.br/ccivil_03/ait/ait-05-68.htm. Access on 15 Jan. 2021

39 BRASIL. Relatório Final da Comissão da Verdade. Comissão Nacional da Verdade. Brasília, DF, 1994a. Available on: http://cnv.memoriasreveladas.gov.br/index.php?option=com_content&view=article&id=571. Access on 15 Jan. 2021.

40 PIRES, Thula Rafaela de Oliveira. Estruturas Intocadas: Racismo e Ditadura no Rio de Janeiro. *Revista Direito e Práxis*, v. 9, n. 2, p. 1054-1079, 2018.

movement, from the 1970's, started to consider the adoption of United States' bipolar or biracial model, trying either "to raise awareness of black and mixed people around the same identity through the concept 'black'"⁴¹, as well as "[...] to fight the celebration of Brazilian mixing"⁴². The State's repression to this group was not justified because it was a political mobilization like any other, but because such articulations could bring together a significant number of people predisposed to fight against oppression and the subordination of black people in the Brazilian society, which went against the image of racial democracy that the State intended to cultivate⁴³. The order of the regime was, therefore, "[...] each person in their place, as it has always been, and we would continue to be the country of racial harmony, an example to the world"⁴⁴.

The dictatorial State is, by itself, a death and annihilation policy aiming at some specific beings. Under these political scenarios, fictional enemies are created, establishing a divisive line that determines which people can or cannot live. The prevailing "fictional production of the enemy" at that time was the "communist threat", that, in practice, never existed in the country. Regarding black people, their existence continued to be denied. Police persecution to black people's movements had been happening since the 1940's, but it was intensified during the 21 years of the violent military regime⁴⁵. On the other hand, the recognition of black lives as such was another kind of "threat", this time, to the equally illusory idea of a nation's "harmony".

Simultaneously with the violent dictatorial regimes established in Latin America, all supported by the American⁴⁶ government under the pretext of controlling and eliminating communists in the continent, the US government forged a new enemy to be eliminated: drugs. The "war on drugs" policy, proposed in 1971 by the government of Richard Nixon, has been replicated around the world, especially in Latin American countries. Again, a huge repercussion in Latin American territory emerges, to which Bragança and Guedes clarify⁴⁷:

41 MUNANGA, Kabengele. Algumas considerações sobre "raça", ação afirmativa e identidade negra no Brasil: fundamentos antropológicos. *Revista USP*, v. 68, p. 46-57, 2006, p. 56.

42 PINHO, Patrícia de Santana. Descentrando os Estados Unidos nos estudos sobre negritude no Brasil. *RBCS*, v. 20, n. 59, p. 37-50, 2005, p. 38.

43 PIRES, Thula Rafaela de Oliveira. Estruturas Intocadas: Racismo e Ditadura no Rio de Janeiro. *Revista Direito e Práxis*, v. 9, n. 2, p. 1054-1079, 2018

44 *Ibid*, p. 1076.

45 KÖSSLING, Karin Sant' Anna. As lutas anti-racistas de afro-descendentes sob vigilância do DEOPS/SP (1964-1983). Dissertação (Mestrado em História Social) – Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo. São Paulo. 2007.

46 Mais da metade das nações que compõem a América Latina tiveram regimes ditatoriais na segunda metade do século XX. Em todas elas, os EUA apoiaram os militares contra as democracias latino-americanas.

47 BRAGANÇA, Danillo Avellar; GUEDES, Julie Medeiros Sérgio. O Declínio Estadunidense e a Guerra às Drogas. *Revista Aurora*, v. 11, n. 1, p. 67-78, 2018, p. 70.

Nixon's 'war on drugs' inaugurates the distinction between countries that produce and consume illicit drugs, directing the blame naturally to producers. An international drug division was created, attributing responsibility for the production and distribution to Latin America and other peripheral regions. Furthermore, this speech has the merit of meaning the most serious turning point in the construction of a historical narrative that condenses notions of national and hemispheric security.

When externalizing the problem of drug trafficking to other countries on the continent, the USA positioned itself as a situational victim with the right to defense, finding yet another justification for interventions in Latin American nations, such as Peru, Bolivia, and Colombia^{48 49}. The fight against international drug trafficking did not lead to the installation of US military bases in the Brazilian territory, unlike what occurred in other parts of Central and South America. However, the "war on drugs" deeply marked the issues of public security and criminal selectivity in Brazil and would be in the future a new way to control black individuals by the State, as explained in the next topic.

The decline of the Brazilian military dictatorship took place in the late 1970s, a time when popular discontent, originating from the severe economic crisis faced by the country, strengthened the resistance movement. The process of political opening intensified in 1979, with measures such as the Amnesty Law for exiles and the repeal of Institutional Act No. 5 (AI-5). These facts originated from popular mobilization, which culminated in the end of the military dictatorship in 1985. Tancredo Neves was the first civilian president elected that same year, after 21 years of dictatorial rule.

The period of Brazilian redemocratization ended in 1988, with the promulgation of the new Federal Constitution, inaugurating a new legal-institutional framework in the country, with the expansion of civil liberties and individual rights and guarantees⁵⁰. The validity of a new Constitution and its reverberation within the scope of criminal institutions is a topic of discussion following this study. Although the norms that regulate the criminal legislation and the punitive process, as a State practice, have been remodeled over the years, some markers have remained embedded, either by the recurrent practices of criminalization of poverty, or by the structural racism that has haunted Brazil since its constitution as a territory.

48 Ibid.

49 VILLA, Rafael Duarte; OSTOS, Maria del Pilar. As relações Colômbia, países vizinhos e Estados Unidos: visões em torno da agenda de segurança. *Revista Brasileira de Política Internacional*, v. 48, n. 2, p. 86-110, 2005.

50 BRASIL. Constituição da República Federativa do Brasil de 1988. Brasília, DF, 1988. Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Access on 15 Jan. 2021.

3. Democratic resumption and the war on drugs in Brazil (1988 - 2020): the production of “new enemies” of the State

As dictatorial regimes ended in the 1980's, new public security policies started to be thought and implemented in Latin American nations. To address the issue of crime and urban violence, Brazil and other Latin American countries based their policy on zero tolerance, as implemented in the USA in the 1990s. This policy aimed at moralizing public behavior through the repression of small offenses committed on the streets. In the 1990s, with this ostensible and violent police policy, New York City showed a decrease in crime rates. It is in that sense that the State administration, inefficient regarding social protection, would not only culminate in the absence of the Social State, but would also emphasize a Criminal State on which it leans and legitimates, fostered by the criminalization of poverty and by the massive incarceration, especially of black people. In short, the zero-tolerance policy in the USA brought a sense of security to the white population, at the expense of repression and violence against the black population⁵¹.

The central axis of American punitive policies was the aforementioned “war on drugs”, with heroin and cocaine - and currently crack - considered the internal enemies to be fought, an idea that was imported by Latin American countries. For Zaffaroni⁵², the conception of the enemy to fight is a structure of verticalization of power that has been used for a long time, in which the final objective does not in fact constitute the elimination of the threat, but rather a discursive element that allows the punitive power to act with authorized urgency.

Although the first drug control law in Brazil dates to 1921, the prohibition as currently applied is directly related to the global context of drug control, which began in the 1970s in the USA⁵³. As Carvalho and Silva⁵⁴ inform about Brazil:

[...] social defense ideology and law and order movements are common markers in global politics, no serious analysis of local criminal policy can ignore the militaristic logic, a legacy of 1964, that guides the action of our public security institutions. The displacement of the subjects to be fought, in the post-redemocratization period, reconfigured the agencies' performance. The replacement, at first, of the (subversive) political enemy by the trafficker, realigned the public security policy.

51 WACQUANT, Loïc. *As prisões da miséria*. Paris: Raisons d'Agir, 1999.

52 ZAFFARONI, Eugenio Raúl. *A Questão Criminal*. Rio de Janeiro: Revan, 2013.

53 CRUZ, Fernanda Novaes. “Rodei”: a perspectiva dos jovens cariocas sobre as experiências com a polícia militar ligadas à suspeição de uso ou tráfico de drogas. *Cadernos de Campo: Revista de Ciências Sociais*, v. 22, p. 197-220, 2017.

54 CARVALHO, Salo; SILVA, Adrian Barbosa. O que a política de guerra às drogas sustenta? A hipótese descriminalizadora frente à violência institucional genocida. *Instituto Brasileiro de Ciências Criminais*, v. 319, p. 8-10, 2019, p. 8.

This new “political enemy” had a well-defined profile, namely black and poor young people. The drug market captivated - and still captivates - the workforce in the most vulnerable communities, a fact that made repressive campaigns that focused on small traders of illicit drugs, forcing punitive action on the poorest⁵⁵. Thus, with the justification of guaranteeing order and public security, the State started to systematically intervene on the territory of the least privileged people, administrating urban spaces that, by no mere chance, were and still are populated by a black majority. This State administration initiated by police intervention followed its way on the criminal practice that, gradually and constantly, was responsible for filling up the Brazilian jail system by black and poor people. The overcrowding and unsanitary conditions of jails took the Brazilian necropolitics to different levels, leading thousands of people to the condition of “living dead” in the contemporaneous dungeons of the country.

At the beginning of the 1990’s, the failure of the prison system was already established, but it was still kept under a convenient mantle of invisibility for most of the Brazilian society. It was only when a brutal slaughter at a jail in São Paulo, popularly recognized as Carandiru, finally brought to the media the perversity of the Brazilian prison system. On October 2nd, 1992, a fight between prisoners turned into a rebellion. In order to contain action by the inmates, about 300 military police officers from the riot battalion, under the command of Colonel Ubiratan, entered Carandiru and murdered 111 prisoner⁵⁶. According to the Public Ministry, 90% of them died from a gunshot to the head, making it evident that the measure adopted to control the situation was of summary execution. Among the victims, 89 were awaiting trial and only 22 were convicted. The vast majority of the dead were black. No police lost their lives in the clash. To date, none of those involved in the massacre and no public security authorities at the time have been arrested for those crimes⁵⁷, which reveals not only the slowness of the Brazilian judicial system, but also the low importance that society and the State attribute to lives of black, poor, and imprisoned people. The lack of an effective response from the Judiciary in this case is a real attack on the Democratic Rule of Law. The massacre of Carandiru, widely publicized by the media, opened the world to structural problems and human rights violations in

55 FERNANDES, Daniel Fonseca. O grande encarceramento brasileiro: política criminal e prisão no século XXI. *Revista do CEPEJ*, v. 18, p. 101-153, 2015.

56 Although this is the official figure, there are denunciations by victims’ and survivors’ family members that the total of death would be much higher

57 Seventy-four police officers were sentenced by the 111 murders. They were submitted to five trials, the first one in 2001 and the other ones between 2013 and 2014. The defendants were found guilty in all trials, although none of them was arrested. In 2016, all the five trials were annulled by São Paulo’s Justice Court, ruling that there was no way to individualize each officer’s actions. In 2017, the Justice Court maintained its decision, but it recommended the police officers be judged again. The process cannot move forward until the Supreme Court of Justice analyzes the appeals and decide if they should be judged once again.

our prison system, resulting in a series of critical reports and the establishment of the Minimum Rules for the Treatment of Prisoners in Brazil⁵⁸, which have never been fully and universally enforced in national prisons.

At the time of the massacre, the Brazilian incarcerated population was of 114,000 people. In 2019, that number reached 755,000. In 27 years, the imprisonment rate in the country went from 61 per 100,000 inhabitants in 1992, to 367.91 in the first semester of 2019⁵⁹. Such growth is closely linked to the law to combat and control drugs in force in Brazil. Enacted in 2006, the law is characterized by the criminalization of possession of illicit substances, considering both consumption and trafficking as crimes. The instrument presents some changes in relation to the previous one, the main ones being related to punishments. For consumers, the law seems to be closer to a public health policy, so the penalty of deprivation of liberty is substituted by milder penalties, such as providing services to the community, attending socio-educational programs or courses, or even receiving a warning about the effect of drug use. For traffickers, on the other hand, there is an aggravation of the penalty that can be from 5 to 15 years in prison⁶⁰.

It is worth mentioning that, although it defines different punishments for users and traffickers, the referred law does not present objective criteria to qualify the bearer of the substance as a user or a trafficker, a definition that is in the hands of the law enforcement agents as explained in Art. 28, § 2 that mentions⁶¹:

[...] to determine whether the drug was intended for personal consumption, the judge will take into account the nature and quantity of the seized substance, the location and conditions in which the action was carried out, the social and personal circumstances, as well as the conduct and background of the agent.

In a country that is notably racist and elitist, it is not surprising that this gap in the law is responsible for the incarceration of black and poor young people who, qualified as drug traffickers, do not have the material conditions to afford a lawyer, whereas white

58 BRASIL. Resolução CNPCP nº 14, de 11 de novembro de 1994. Resolve fixar as Regras Mínimas para o Tratamento do Preso no Brasil. Brasília, DF, 1994a. Available on: <http://www.crpsp.org.br/interjustica/pdfs/regras-minimas-para-tratamento-dos-presos-no-brasil.pdf>. Access on 15 Jan. 2021.

59 BRASIL. Levantamento Nacional de Informações Penitenciárias – Infopen - Junho de 2017. Brasília, DF, 2019b. Available on: <http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen/relatorios-sinteticos/infopen-jun-2017-rev-12072019-0721.pdf>. Access on: 15 Jan. 2021.

60 BRASIL. Lei nº 11.343 de 23 de agosto de 2006. Institui o Sistema Nacional de Políticas Públicas sobre Drogas - Sisnad; prescreve medidas para prevenção do uso indevido, atenção e reinserção social de usuários e dependentes de drogas; estabelece normas para repressão à produção não autorizada e ao tráfico ilícito de drogas; define crimes e dá outras providências. Brasília, DF, 1994. Available on: http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/l11343.htm#view. Access on 15 Jan. 2021.

61 Ibid.

and middle or high class youngsters are qualified as users, not being sent to prison, even though they carry the same (or even greater) quantity of substances than black youngsters. Currently, drug trafficking is responsible for the incarceration of more than 156,000 people in Brazil, which corresponds to almost 30% of the total prison population. This percentage increases to 62% when considering only the imprisoned female group, totaling nearly 16,000 Brazilian women deprived of their freedom⁶².

The expressive number of people arrested because of drug trafficking allows to point out that that law does not have a systemic view of the trafficking network in the country and does not aim to dismantle it, since it focuses on small drug dealers, who are usually women. Just like in the formal work market, women in drug trafficking often occupy more vulnerable and precarious positions, being recurrent targets of pre-trial detentions related to drug trafficking. Many of those detentions, furthermore, happen during operations in which the target are their partners or relatives and, since the real targets cannot be found, the women are taken instead, accused of being involved in such crimes.⁶³

In some cases, the “war on drugs” does not lead to incarcerations: it kills. A part of the deaths happens during confrontations between criminal factions that fight for the power and control of drug trafficking. Most part, however, is the result of confrontations between police officers and traffickers. This is because the repression police are military. Their war power is strongly used in Brazilian slums, leaving behind a deadly trail. Homicides committed during police interventions are the second leading cause of violent and intentional deaths in Brazil⁶⁴. It is not by chance that most homicide victims in Brazil have a very similar profile to the one found in the prison system: black, poor people and mostly young men. But these are not the only victims of the bullets of the State. Armed clashes between police and drug dealers in Brazilian slums have also claimed the lives of hundreds of local residents. According to a research made by the Brazilian Public Security Forum (FBSP, as per the Portuguese abbreviation⁶⁵ , between 2017 and 2019, police officers were responsible for the death of 2,215 children and teenagers in Brazil – 69% of them were black. A part of them was victim of stray bullets during clashes in slums. These are increasing numbers which in 2017 represented 5% of to the total of violent deaths of

62 FERNANDES, Daniel Fonseca. O grande encarceramento brasileiro: política criminal e prisão no século XXI. *Revista do CEPEJ*, v. 18, p. 101-153, 2015.

63 BORGES, Juliana. *Encarceramento em massa*. São Paulo: Jandaíra, 2020.

64 INSTITUTO DE PESQUISA ECONÔMICA APLICADA (IPEA). *Atlas da Violência 2019*. Brasília: Rio de Janeiro: São Paulo: IPEA; 2019. Fórum Brasileiro de Segurança Pública. Available on: http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio_institucional/190605_atlas_da_violencia_2019.pdf. Access on 15 Aug. 2019.

65 FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). *Anuário Brasileiro de Segurança Pública 2019*. Ano 13. São Paulo, 2019.

individuals younger than 19 years old; in 2019, the same percentage was 16%⁶⁶.

This whole context can be understood as a genocide of the country's black and poor youth. We have chosen to use the term "genocide" because we understand it represents the attacks suffered by the black population in Brazil, not only by the evident killings, but also by the imposition of a place of socially naturalized depreciation. Genocide can be conceptualized as a form of violence resulting from a set of daily practices that aim to eliminate or push away individuals, consenting – whether it is silently or not – with their destruction⁶⁷.

Police intervention in slums and poor communities also includes the territorial occupation of those spaces, materialized by Pacifying Police Units (UPP, as per the Portuguese abbreviation), a project from Rio de Janeiro's State Secretary of Security, supposedly developed to put community police in place in slums⁶⁸. About this, the Brazilian sociologist and politician Marielle Franco⁶⁹, brutally assassinated in March 2018, had already highlighted that:

The approach of police intervention in slums is substituted by the occupation of their territory. But such occupation is not one with State equipment, with rights, services, investments, and even less with instruments of participation. The occupation is by the police, with its military characterization that prevails in Brazilian police. That is exactly the prevalence of the already in force policy, because what is reinforced once again is an onslaught on poor people, with repression and punishment.

Paradoxically, Marielle's assassination connects to that very same militarization problematized by her, in which the policy established in Rio de Janeiro's poor communities reaffirms the prevalence of a policy of security supported by militarization, in which the police, and not the policy, occupy a central role. The man accused of shooting Marielle

66 PAULUZE, Thaiza. Em três anos, policiais mataram ao menos 2.215 crianças e adolescentes no país. Folha de São Paulo, 2020. Available on: <https://www1.folha.uol.com.br/cotidiano/2020/12/em-tres-anos-policiais-mataram-ao-menos-2215-criancas-e-adolescentes-no-pais.shtml> Access on 15 Jan. 2021.

67 VERGNE, Celso de Moraes; VILHENA, Junia de; ZAMORA, Maria Helena; ROSA, Carlos Mendes. A palavra é... Genocídio: a continuidade de práticas racistas no Brasil. *Psicologia & Sociedade*, v. 27, n. 3, p. 516-528, 2015.

68 RIO DE JANEIRO. Decreto nº 42.787 de 06 de janeiro de 2011. Dispõe sobre a implantação, estrutura, atuação e funcionamento das Unidades de Polícia Pacificadora (UPP) no Estado do Rio de Janeiro e dá outras providências. Rio de Janeiro, RJ, 2011.

69 FRANCO, Marielle. UPP - A Redução da Favela a Três Letras: uma análise da Política de Segurança Pública do Estado do Rio de Janeiro. Dissertação (Mestrado em Administração) – Faculdade de Administração e Ciências Contábeis, Universidade Federal Fluminense. Rio de Janeiro. 2014, p. 123. Available on: <https://app.uff.br/riuff/bitstream/1/2166/1/Marielle%20Franco.pdf>. Access on: 15 Jan. 2021.

to death is a retired sergeant, who was in a car driven by a former military police officer. The assassination of Marielle Franco and Anderson, the driver who accompanied her, although having reached international repercussion, are, until today, inconclusive, having the questions “who ordered to kill Marielle?” and “why was Marielle killed?” reached a level in international questions that inquire the inefficiency of justice regarding the death of black people.

The extermination of Marielle also integrates into the military police and their hidden interests, considering that, two weeks prior to her assassination, she had took control of a City Counselors’ Delegation which was created to follow the federal intervention in the public security of the state of Rio de Janeiro⁷⁰, a situation she disagreed with: “The public security policy, instead of thinking of an inclusive, popular perspective, with alternatives to retail drugs business, arrives, unfortunately, with the general’s strong hand. This is why I see all of that with fear”, said Marielle during an interview given two days before her execution⁷¹.

It is also important to highlight that the police squad most frequently exposed to situations of direct confrontation with drug dealers, the so-called squares (which represent the lowest stratum of the military police hierarchy), are also young, black, and poor, constituting a considerable part of the victims of violent deaths. Considering that, we call into attention the fact that military police officers also die because of the “war on drugs”. Such policemen are treated by the State as disposable lives, placing them on the front line in confrontations, directly or indirectly associated with drug trafficking. The extreme violence and risks to which police officers are permanently exposed have serious psychological effects. In 2018 alone, 104 police officers committed suicide. This is more than the number of policemen killed (87 cases) in confrontation that year⁷². All in all, Brazil has not only the police that most kill in the world, but also the one that most die.

The facts pointed out allow us to identify in the country a “[...] growing power of a hostile and excluding criminal policy, marked, above all, by selectivity and denial of rights to the most vulnerable parts of the population”⁷³. Such war policy on drugs not only sends

70 RIO DE JANEIRO. Decreto nº 9.288, de 16 de fevereiro de 2018. Decreta intervenção federal no Estado do Rio de Janeiro com o objetivo de pôr termo ao grave comprometimento da ordem pública. Rio de Janeiro, RJ, 2018.

71 BRITO, Gabriel. Marielle Franco sobre intervenção federal no Rio: “reflexo do leilão do Estado e ausência de investimento nos profissionais da segurança pública”. Combate Racismo Ambiental, 2018. Available on: <https://racismambiental.net.br/2018/02/24/intervencao-federal-no-rio-reflexo-do-leilao-do-estado-e-ausencia-de-investimento-nos-profissionais-da-seguranca-publica/>. Access on 15 Jan. 2021. FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). Anuário Brasileiro de Segurança Pública 2019. Ano 13. São Paulo, 2019.

72 FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). Anuário Brasileiro de Segurança Pública 2019. Ano 13. São Paulo, 2019.

73 FERNANDES, Daniel Fonseca. O grande encarceramento brasileiro: política criminal e prisão no século XXI. Revista do CEPEJ, v. 18, p. 101-153, 2015, p. 123.

black people to jail, but also kills them, whether they are drug dealers, police officers, or simply residents of areas of clash. All those factors elevate Brazilian necropolitics to its most literal aspect: being black nowadays in Brazil is being the main target of death, not only the previously mentioned social death, but also concrete death, which cannot be repaired.

It is worth mentioning that none of this would have prospered if the State had not adopted the rhetoric of the war against crime and widespread insecurity, which assumes the role of an efficient criminalization of poverty⁷⁴ ⁷⁵. Based on this understanding, we agree with Wacquant⁷⁶ in saying that:

The urgency, in Brazil as in most countries on the planet, is to fight in all directions not against criminals, but against poverty and inequality, that is, against social insecurity that, everywhere, impels crime and regulates the informal economy of predation that fuels violence.

Brazilian current policies go against what was suggest by Wacquant. In 2018, Jair Bolsonaro's electoral campaign for presidency was strongly directed to public security. In his ultraconservative speech, Bolsonaro's promise to curb crime was already present in his proposals, in which he emphasized that, while the left-wing was concerned with the deaths associated with police actions, his concern was centered on the 552 policemen killed in action in the year 2017, thus assuming the commitment to honor the families of the dead policemen and record the name of each one of them in the "Pantheon of the Fatherland and Liberty"⁷⁷. It is noteworthy that the 12th Brazilian Yearbook of Public Security indicates that the number of civilian or military police officers who were killed in 2017 had decreased 4.9% compared to the previous year, accounting for 367 (a different number from that disclosed in the campaign), while the number of people killed because of police intervention had increased by 20% in the same period, totaling 5,144 people killed in police action⁷⁸.

74 CRUZ, Fernanda Novaes. "Rodei": a perspectiva dos jovens cariocas sobre as experiências com a polícia militar ligadas à suspeição de uso ou tráfico de drogas. *Cadernos de Campo: Revista de Ciências Sociais*, v. 22, p. 197-220, 2017.

75 WACQUANT, Loïc. *As prisões da miséria*. Paris: Raisons d'Agir, 1999.

76 *Ibid*, p. 8.

77 BOLSONARO, Jair. 2018. *Brasil Acima de Tudo, Deus Acima de Todos*. Propostas de governo dos candidatos ao cargo de Presidente da República do Brasil. Available on: http://divulgacandcontas.tse.jus.br/candidaturas/oficial/2018/BR/BR/2022802018/280000614517/proposta_1534284632231.pdf. Access on: 20 Jan. 2020.

78 FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). *12º Anuário Brasileiro de Segurança Pública*. São Paulo, 2018.

In front of the severe public security problems in the country, Bolsonaro had as his campaign motto the reduction of criminal minority from 18 to 16 years old, increase in imprisonment, guarantees of immunity for policemen who killed “criminals” and flexibilization of gun licenses. Among these proposals, the last one was the one that had more supporters, resulting in a growing (and worrisome) arming of the population. The number of firearms registered by the Federal Police increased 98% during Bolsonaro’s first year in presidency⁷⁹. Bolsonaro irresponsibly and recklessly affirms that “public security starts at home”, encouraging violent and deadly actions of the civilian population against “thugs”, continuing the long and dark war against the poorest.

Other public security agendas of his government have been discussed, some of them having been approved. In 2019, the Minister of Justice and Public Security appointed by Bolsonaro, former judge Sérgio Moro, on his term proposed a controversial anti-crime package, which in its initial text foresaw a series of amendments to the Criminal Code, the Criminal Procedure Code and in the Law of Criminal Enforcement, among which the plea bargain, the arrest after conviction in second instance, and the “exclusion of illegality” stand out. The latter is extremely relevant, given that the initial project foresaw the reduction or even extinction of the penalty for acts of self-defense committed by civilian or military police in action, whether due to “fear” or “violent emotion”. In contexts in which state police officers already employ lethal repression in their operations, affecting not only criminals but also the entire vulnerable population residing in Brazil’s slums and poor communities, such a change in legislation would constitute a normative authorization of the extermination of the poor.

After a series of debates, the package was approved with the exclusion of some points, including the three previously highlighted. However, other issues foreseen in the package were accepted, such as the increase in maximum time in prison from 30 to 40 years, a hardening of the rules of regime progression, a stronger isolation of leaders of criminal factions and the hardening of the Differential Disciplinary Regime (RDD, as per the Portuguese abbreviation)^{80 81}. Thus, the country has not only incarcerated a growing number of people, but it has also created new laws that allow the extension of their confinement time.

The current practices undertaken by the government demonstrate a warlike

79 CASADO, Letícia; LONDOÑO, Ernesto. Aumenta posse de armas no Brasil com Bolsonaro. NSC Total, 2020. Available on: <https://www.nsctotal.com.br/noticias/aumenta-posse-de-armas-no-brasil-com-bolsonaro> Access on: 15 Jan. 2021.

80 RDD is a special way of serving a sentence in the closed regime, which consists of the (provisional or convicted) prisoner remaining in an individual cell, with limitations on the right to receive visitors and the right to leave the cell.

81 BRASIL. Lei n. 13.964 de 24 de julho de 2019. Aperfeiçoa a legislação penal e processual penal, 2019c. Available on: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13964.htm. Access on: 15 Jan. 2021.

configuration in public policies, since they are marked by the advance of conservatism rooted in the elitist ideal of economic liberalism, in addition to resuming and inciting state repression. It thus represents a historical setback in the sense of neglecting the urgent changes in policies that foster social inclusion through access to income, work, and education to the detriment of mass incarceration, which, due to the material conditions imposed in a class society, ends up directing to prison mostly the miserable parts of society, including many black people.

Conclusion

The purpose of this article was to demonstrate – through a historical analysis that spanned the period from the abolition of slavery to the present day – that criminal rulings and public security worked and work as a means of control, capture, and annihilation of black people in the country. During the proposed analysis, it was possible to notice that since colonial Brazil until today, the social place imposed on black people in the country sentenced them to continuously occupy the higher figures in poverty and imprisonment statistics, a situation that found – and still finds – support on the relations and on the hierarchy established in institutional and judicial organizations in the country. Thus, it is important to recognize that racism has always been a central variable in the Brazilian criminalizing process, also guiding police practices, a situation that allows black people to be a major part both in terms of the prison population and in terms of the number of deaths resulting from the “war on drugs”. Such observation, however, still finds resistance and is ignored by a large part of the population, since, in Brazil, racism is as evident as it is denied. Therefore, the Brazilian State practices draw on strategies that aim to make invisible the racist character of those practices, especially during the current political scenario, with a far-right president.

The Brazilian State, to the detriment of the necessary investments in technology and police intelligence, in investigative resources, and in the integration of forces, opts for a policy of confrontation, in which violent disputes take the lives of countless people daily, especially young, black, and poor people, in actions that are more similar to social hygiene than public security policy. All these brutal actions, however, gain social support mainly because, in Brazil, the opposition to human rights is growing more and more, which have been transformed – at the heart of the discussions on crime – into “bandit rights”, a situation that has worsened with the election of Bolsonaro, in 2018.

Even though the current president’s election has, undoubtedly, uncovered authoritarian discourses, contrary to human rights, it is possible to state that violence and control by means of a specific portion of the society has always been a characteristic of Brazil, a tradition resulting from slavery and agrarian conflicts. Under this panorama,

even though not living under the aegis of a military dictatorship, the two decades of that regime seem to echo on how the State Works, making possible, beyond the urban delinquency, for violence to find “a second root in a political culture that continues deeply marked by the seal of authoritarianism”⁸².

The social insecurity experienced nowadays works as a fertile ground for authoritarianism to keep on being the reality in Brazil. Obsession with security, enhanced by a strengthening of a culture of fear, makes any authoritarian act concerning public security seen as necessary and circumstantial. Thus, society can be convinced that the oppressed ones are not in that situation because they are part of a perverse and authoritarian structure, but because the price of security is arbitrariness^{83 84}. According to Garapon⁸⁵, “since we cannot differentiate legitimate violence from illegitimate violence, we are unable to determine the debt, that is, the price of entering common life”.

In this context, news and media campaigns of social panicking had a key role on the internationalization of authoritarianism in Brazil. In the country, therefore, the political model centered on punitive actions, tries to act as a “tranquilizer mechanism of the public opinion which, hegemonically, looks for protection instead of rights”⁸⁶. In the words of Wacquant⁸⁷:

[...] making the fight against urban delinquency a continual moral spectacle – the way police officers and politicians who are eager to explore the issue want – makes it possible to symbolically reaffirm the authority of the State, precisely when its impotence in the social and economic battle becomes evident.

In the meantime, we understand that the broad adherence of the population to the discourse contrary to human rights was made possible by the increased feeling of insecurity and the fact that common prisoners are mostly black and poor. This discourse

82 WACQUANT, Loïc. O estigma racial na construção do Estado punitivo americano. *Configurações*, v. 5/6, p. 41-54, 2009, p. 6.

83 PASTANA, Débora Regina. Os Contornos do Estado Punitivo No Brasil. *Revista da Faculdade de Direito UFPR, Curitiba*, v. 46, p. 207-221, 31 dez. 2007.

84 PASTANA, Débora. Justiça penal autoritária e consolidação do estado punitivo no Brasil. *Revista de Sociologia e Política, Curitiba*, v. 17, n. 32, p. 121-138, fev. 2009.

85 GARAPON, Antoine. Les limites á l'interpretation évolutive de la convention. *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito, São Leopoldo*, v. 3, n. 1, p. 25-33, 30 jun. 2011, p. 53.

86 PASTANA, Débora Regina. Os Contornos do Estado Punitivo No Brasil. *Revista da Faculdade de Direito UFPR, Curitiba*, v. 46, p. 207-221, 31 dez. 2007, p. 211.

87 WACQUANT, Loïc. A aberração carcerária. *Le monde diplomatique Brasil. Instituto Paulo Freire. Edição mensal de set. 2004*, p. 1.

that seeks to delegitimize human rights marks the limit of class belonging. The feeling of being safe does not necessarily mean the absence of crime, but it is consolidated by social distance, in order to safeguard threatened social positions. It is in this context that we point out the extent to which Brazilian criminal and prison policies are still directly influenced by a discriminatory and slave society that sees in the criminalization of poverty and mass incarceration the answer to its claim for security.

Based on this assumption, recidivism does not become something to be combated or minimized. On the contrary, it is desired to the extent that repeat offenders corroborate the thesis of natural born criminals, which, because of the persistent power of racism and class inequality, associates the presumption of criminality to the essence of poor and black people. This association is made possible by the identification of the model of the enemy to be combated, who is dehumanized and characterized by the traits presented by poor and black people⁸⁸. The transformation of the other into something non-human, that is, a being with animal characteristics and that, therefore, can and must be eliminated, does not only consider an individual's skin color, but is also supported by the judgement of habits and ways of communicating and feeling. The desire to exterminate the other starts, therefore, with rejection and segregation, which can be translated into small deaths of the social group at issue⁸⁹. In this context, prisons would be an important gear in the extermination and exclusion of the other, working as a place in which we deposit socially undesired people, the "detritus of contemporaneous capitalism"⁹⁰, so that we can get rid of the responsibility of thinking about the problems of our society, especially when it is about social discrepancy and structural racism.

Finally, we emphasize that the brief historical inference presented here did not intend to exhaust the determinations on the theme and, nor could this be done, given the framework of information that permeates the historical periods to which it is connected. However, this study aimed to incite a critical reflection on structural racism and necropolitics, situating them in the Brazilian historical and social context.

References

BERNARDINO, Joaze. Ação afirmativa e a rediscussão do mito da democracia racial no Brasil. *Estudos afro-asiáticos*, v. 24, n. 2, p. 247-273, 2002.

BOLSONARO, Jair. 2018. *Brasil Acima de Tudo, Deus Acima de Todos*. Propostas de governo dos candidatos ao cargo de Presidente da República do Brasil. Available on:

88 BORGES, Juliana. *Encarceramento em massa*. São Paulo: Jandaira, 2020.

89

90 DAVIS, Angela. *Estarão as prisões obsoletas?* Rio de Janeiro: Difel, 2019.

http://divulgacandcontas.tse.jus.br/candidaturas/oficial/2018/BR/BR/2022802018/280000614517/proposta_1534284632231.pdf>. Access on: 20 Jan. 2020.

BORGES, Juliana. Encarceramento em massa. São Paulo: Jandaíra, 2020.

BRAGANÇA, Danillo Avellar; GUEDES, Julie Medeiros Sérgio. O Declínio Estadunidense e a Guerra às Drogas. *Revista Aurora*, v. 11, n. 1, p. 67-78, 2018.

BRASIL. Decreto nº 22.213 de 14 de dezembro de 1932. Revogado pelo Decreto nº 11, de 1991 Brasília, DF, 1932.

Available on: <https://www2.camara.leg.br/legin/fed/decret/1930-1939/decreto-22213-14-dezembro-1932-516919-publicacaooriginal-1-pe.html>. Access on: 15 Jan. 2021.

BRASIL. Constituição dos Estados Unidos do Brasil de 10 de novembro de 1937. Leis Constitucionais. Rio de Janeiro, RJ, 1937. Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao37.htm. Access on: 22 Jan. 2021.

BRASIL. Decreto-lei no 2.848 de 7 de dezembro de 1940. Código Penal. Brasília, DF, 1940. Available on: http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848.htm. Access on: 15 Jan. 2021.

BRASIL. Decreto-lei nº 3.688, de 3 de outubro de 1941. Lei das Contravenções Penais. Brasília, DF, 1941. Available on: http://www.planalto.gov.br/ccivil_03/decreto-lei/del3688.htm. Access on: 15 Jan. 2021.

BRASIL. Ato Institucional nº 5, de 13 de dezembro de 1968. Brasília, DF, 1968. Available on: http://www.planalto.gov.br/ccivil_03/ait/ait-05-68.htm. Access on: 15 Jan. 2021.

BRASIL. Lei n. 7.210 de 11 de julho de 1984. Lei de Execução Penal. Brasília, DF, 1984. Available on: http://www.planalto.gov.br/ccivil_03/leis/l7210.htm. Access on: 25 Jan. 2021.

BRASIL. Constituição da República Federativa do Brasil de 1988. Brasília, DF, 1988. Available on: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.

Access on: 22 Jan. 2021.

BRASIL. Relatório Final da Comissão da Verdade. Comissão Nacional da Verdade. Brasília, DF, 1994a. Available on: http://cnv.memoriasreveladas.gov.br/index.php?option=com_content&view=article&id=571. Access on: 15 Jan. 2021.

BRASIL. Resolução CNPCP nº 14, de 11 de novembro de 1994. Resolve fixar as Regras Mínimas para o Tratamento do Preso no Brasil. Brasília, DF, 1994b. Available on: <http://www.crpsp.org.br/interjustica/pdfs/regras-minimas-para-tratamento-dos-presos-no->

brasil.pdf. Access on: 15 Jan. 2021.

BRASIL. Lei nº 11.343 de 23 de agosto de 2006. Institui o Sistema Nacional de Políticas Públicas sobre Drogas - Sisnad; prescreve medidas para prevenção do uso indevido, atenção e reinserção social de usuários e dependentes de drogas; estabelece normas para repressão à produção não autorizada e ao tráfico ilícito de drogas; define crimes e dá outras providências. Brasília, DF, 1994. Available on: http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/l11343.htm#view. Access on: 15 Jan. 2021.

BRASIL. Levantamento Nacional de Informações Penitenciárias – Infopen - julho a dezembro de 2019. Brasília, DF, 2019a. Available on: <http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen>. Access on: 15 Jan. 2021.

BRASIL. Levantamento Nacional de Informações Penitenciárias – Infopen - Junho de 2017. Brasília, DF, 2019b. Available on: <http://antigo.depen.gov.br/DEPEN/depen/sisdepen/infopen/relatorios-sinteticos/infopen-jun-2017-rev-12072019-0721.pdf>. Access on: 15 Jan. 2021.

BRASIL. Lei n. 13.964 de 24 de julho de 2019. Aperfeiçoa a legislação penal e processual penal, 2019c. Available on: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13964.htm. Access on: 15 Jan. 2021.

BRITO, Gabriel. Marielle Franco sobre intervenção federal no Rio: “reflexo do leilão do Estado e ausência de investimento nos profissionais da segurança pública”. Combate Racismo Ambiental, 2018. Available on: <https://racismoambiental.net.br/2018/02/24/intervencao-federal-no-rio-reflexo-do-leilao-do-estado-e-ausencia-de-investimento-nos-profissionais-da-seguranca-publica/>. Access on: 15 Jan. 2021.

CALEIRO, João Pedro. Os dados que mostram a desigualdade entre brancos e negros no Brasil. Revista Exame, 2018. Available on: <https://exame.abril.com.br/brasil/os-dados-que-mostram-a-desigualdade-entre-brancos-e-negros-no-brasil/>. Access on: 15 Jan. 2021.

CARVALHO, Marina Vieira. Vadiagem e criminalização: a formação da marginalidade social do Rio de Janeiro de 1888 a 1902. XII Encontro Regional de História ANPUH. Anais, 2006. Available on: <http://www.snh2011.anpuh.org/resources/rj/Anais/2006/conferencias/Marina%20Vieira%20de%20Carvalho.pdf>. Access on: 15 Jan. 2021.

CARVALHO, Salo; SILVA, Adrian Barbosa. O que a política de guerra às drogas sustenta? A hipótese descriminalizadora frente à violência institucional genocida. Instituto Brasileiro de Ciências Criminais, v. 319, p. 8-10, 2019.

CASADO, Leticia; LONDOÑO, Ernesto. Aumenta posse de armas no Brasil com Bolsonaro. NSC Total, 2020. Available on: <https://www.nsctotal.com.br/noticias/aumenta-posse-de-armas-no-brasil-com-bolsonaro> Access on: 25 Jan. 2021.

CRUZ, Fernanda Novaes. “Rodei”: a perspectiva dos jovens cariocas sobre as experiências

com a polícia militar ligadas à suspeição de uso ou tráfico de drogas. Cadernos de Campo: Revista de Ciências Sociais, v. 22, p. 197-220, 2017.

DANTAS, Carolina Vianna. O Brasil café com leite. Debates intelectuais sobre mestiçagem e preconceito de cor na primeira república. Tempo, v. 13, n. 26, p. 56-79, 2009.

DAVIS, Angela; Dent, Gina. A prisão como fronteira: uma conversa sobre gênero, globalização e punição. Revista Estudos Feministas, v. 11, n. 2, p. 523-531, 2003.

DAVIS, Angela. Estarão as prisões obsoletas? Rio de Janeiro: Difel, 2019.

EXAME. No Brasil, mais policiais se suicidam do que morrem em confrontos, Exame, 2019. Available on: <https://exame.abril.com.br/brasil/no-brasil-mais-policiais-se-suicidam-do-que-morrem-em-confrontos/> Access on: 15 Jan. 2021.

FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). 12º Anuário Brasileiro de Segurança Pública. São Paulo, 2018.

FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (FBSP). Anuário Brasileiro de Segurança Pública 2019. Ano 13. São Paulo, 2019.

FERNANDES, Daniel Fonseca. O grande encarceramento brasileiro: política criminal e prisão no século XXI. Revista do CEPEJ, v. 18, p. 101-153, 2015.

FRANCO, Marielle. UPP - A Redução da Favela a Três Letras: uma análise da Política de Segurança Pública do Estado do Rio de Janeiro. Dissertação (Mestrado em Administração) – Faculdade de Administração e Ciências Contábeis, Universidade Federal Fluminense. Rio de Janeiro. 2014.

GARAPON, Antoine. Les limites á l'interpretation évolutive de la convention. Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito, São Leopoldo, v. 3, n. 1, p. 25-33, 30 jun. 2011.

GARUTTI, Selson; OLIVEIRA, Rita de Cássia da Silva. A prisão e o sistema penitenciário: uma visão histórica. XI Seminário de Pesquisa do Programa de Pós-Graduação em Educação, Anais. Maringá: ISSN: 2177-4765:1- 31, 2012.

GOELLNER, Silvana. As Mulheres Fortes são aquelas que fazem uma raça forte: esporte, eugenia e nacionalismo no Brasil no início do século XX. Recorde: Revista de História do Esporte, v. 1, n. 1, p. 1-28, 2008.

GUIMARÃES, Antônio Sérgio Alfredo. Democracia Racial. Cadernos Penesb, v. 4, p. 33-60, 2002.

GUIMARÃES, Antônio Sérgio Alfredo. A República de 1889: utopia de branco, medo de preto (a liberdade é negra; a igualdade, branca e a fraternidade, mestiça). Contemporânea, v.

2, p. 17-36, 2011.

INSTITUTE FOR CULTURAL DIPLOMACY. Introduction to the African Diaspora across the world. Available on: http://www.culturaldiplomacy.org/index.php?en_programs_diaspora. Access on: 15 Jan. 2021.

INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA (IBGE). Pesquisa Nacional por Amostra de Domicílios Contínua trimestral, 2019. Available on: <https://sidra.ibge.gov.br/tabela/6403>. Access on: 15 Jan. 2021.

INSTITUTO DE PESQUISA ECONÔMICA APLICADA (IPEA). Atlas da Violência 2019. Brasília: Rio de Janeiro: São Paulo: Instituto de Pesquisa Econômica Aplicada; 2019. Fórum Brasileiro de Segurança Pública. Available on: http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio_institucional/190605_atlas_da_violencia_2019.pdf. Access on: 15 Ago. 2019.

KÖSSLING, Karin Sant' Anna. As lutas anti-racistas de afro-descendentes sob vigilância do DEOPS/SP (1964-1983). Dissertação (Mestrado em História Social) – Faculdade de Filosofia, Letras e Ciências Humanas, Universidade de São Paulo. São Paulo. 2007.

MAGALHÃES, Marionilde Dias Brepohl de. A lógica da suspeição: sobre os aparelhos repressivos à época da ditadura militar no Brasil. Revista Brasileira de História, v. 17, n. 34, p. 203-220, 1997.

MAIA, Clarissa Nunes et al. (Orgs.). História das Prisões no Brasil, volume 2. Rio de Janeiro: Rocco Digital, 2013.

MBEMBE, Achille. Necropolítica. 3. ed. São Paulo: N-1 Edições, 2018.

MUNANGA, Kabengele. Algumas considerações sobre “raça”, ação afirmativa e identidade negra no Brasil: fundamentos antropológicos. Revista USP, v. 68, n. 46-57, 2006.

PASTANA, Débora Regina. Os Contornos do Estado Punitivo No Brasil. Revista da Faculdade de Direito UFPR, Curitiba, v. 46, p. 207-221, 31 dez. 2007.

PASTANA, Débora. Justiça penal autoritária e consolidação do estado punitivo no Brasil. Revista de Sociologia e Política, Curitiba, v. 17, n. 32, p. 121-138, fev. 2009.

PAULUZE, Thaiza. Em três anos, policiais mataram ao menos 2.215 crianças e adolescentes no país. Folha de São Paulo, 2020. Available on: <https://www1.folha.uol.com.br/cotidiano/2020/12/em-tres-anos-policiais-mataram-ao-menos-2215-criancas-e-adolescentes-no-pais.shtml> Access on: 15 Jan. 2021.

PINHO, Patrícia de Santana. Descentrando os Estados Unidos nos estudos sobre negritude no Brasil. RBCS, v. 20, n. 59, p. 37-50, 2005.

- PIRES, Thula Rafaela de Oliveira. Estruturas Intocadas: Racismo e Ditadura no Rio de Janeiro. *Revista Direito e Práxis*, v. 9, n. 2, p. 1054-1079, 2018.
- RAPOPORT, Mario; LAUFER, Rubén. Os Estados Unidos diante do Brasil e da Argentina: os golpes militares da década de 1960. *Revista Brasileira de Política Internacional*, v. 43, n. 1, p. 69-98, 2000.
- RIBEIRO, Djamila. *O que é lugar de fala?* Belo Horizonte: Letramento, 2017.
- RIO DE JANEIRO. Decreto nº 42.787 de 06 de janeiro de 2011. Dispõe sobre a implantação, estrutura, atuação e funcionamento das Unidades de Polícia Pacificadora (UPP) no Estado do Rio de Janeiro e dá outras providências. Rio de Janeiro, RJ, 2011.
- RIO DE JANEIRO. Decreto nº 9.288, de 16 de fevereiro de 2018. Decreta intervenção federal no Estado do Rio de Janeiro com o objetivo de pôr termo ao grave comprometimento da ordem pública. Rio de Janeiro, RJ, 2018.
- ROESLER, Átila da Rold. *Sobre a vadiagem e o preconceito nosso de cada dia. Justificando*, 2016. Available on: <http://www.justificando.com/2016/08/09/sobre-a-vadiagem-e-o-preconceito-nosso-de-cada-dia/>. Access on: 15 Jan. 2021.
- SILVA, Anderson Moraes de Castro e. Do Império à República: Considerações sobre a Aplicação da pena de prisão na sociedade brasileira. *Revista Epos*, v. 3, n. 1-15, 2012.
- SKIDMORE, Thomas E. Fato e mito: descobrindo um problema racial no Brasil. *Cadernos de Pesquisa*, v. 79, p. 5-16, 1991.
- SLAVE VOYAGENS. *Sobre o projeto Slave Voyagens*. Available on: <https://slavevoyages.org/about/about> Access on: 15 Jan. 2021.
- TEIXEIRA, Alessandra; SALLA, Fernando Afonso; MARINHO, Maria Gabriela da Silva Martins da Cunha. *Vadiagem e Prisões Correcionais em São Paulo: Mecanismos de Controle no Firmamento Da República*. *Estudos Históricos*, v. 29, n. 58, p. 381-400, 2016.
- VERGNE, Celso de Moraes; VILHENA, Junia de; ZAMORA, Maria Helena; ROSA, Carlos Mendes. *A palavra é... Genocídio: a continuidade de práticas racistas no Brasil*. *Psicologia & Sociedade*, v. 27, n. 3, p. 516-528, 2015.
- VILLA, Rafael Duarte; OSTOS, Maria del Pilar. *As relações Colômbia, países vizinhos e Estados Unidos: visões em torno da agenda de segurança*. *Revista Brasileira de Política Internacional*, v. 48, n. 2, p. 86-110, 2005.
- WACQUANT, Loïc. *As prisões da miséria*. Paris: Raisons d'Agir, 1999.
- WACQUANT, Loïc. *A aberração carcerária. Le monde diplomatique Brasil*. Instituto Paulo Freire. Edição mensal de set. 2004

WACQUANT, Loïc. O estigma racial na construção do Estado punitivo americano. *Configurações*, v. 5/6, p. 41-54, 2009.

WORLD PRISON BRIEF. Highest to Lowest - Prison Population Total. London, 2020. Available on: https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All. Access on: 15 Jan. 2021.

ZAFFARONI, Eugenio Raúl. *A Questão Criminal*. Rio de Janeiro: Revan, 2013.



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