Violence and safety: a look at France and Brazil[1]

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ABSTRACT

This article proposes a reflection on the issue of safety/unsafety in France and Brazil. If on the one hand it may seem hard to draw parallels between social realities that are so different, on the other, it seems true that attempts at comparison may help to identify some convergences and point toward some common topics for an approach to this very complex social problem in both countries. In France as in Brazil, the question of safety has a visible presence in public debate and has become a political concern at different levels of government. Through a brief outline of the meaning of the phenomenon of violence in both countries, the discussion of debates on the French experience in the area of prevention and security and the Brazilian experience in the area of public safety and human rights, it becomes possible to construct some reflections on issues that are common to these very different social realities.

Keywords: Violence; unsafety; safety policies; prevention; repression; democracy; human rights.

I. INTRODUCTION

This article proposes some reflections on the question of security/insecurity in France and Brazil. If on the one hand drawing parallels between two social realities that are so clearly different may seem unfounded, it can on the other hand be argued that such comparison allows us to identify some convergences as well as some common themes for approaching this complex social problem in both countries.

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[1] This article is a result of an exchange between the Núcleo de Estudos da Violência (NEV -USP) and the Center for Sociological Analysis and Intervention (Centre d'Analyse et d'Intervention Sociologiques) at the École des Hautes Études en Sciences Sociales, carried out through the USP- France exchange program (USP-Comitê Francês de Avaliação da Cooperação Universitária com o Brasil -COFECUB), Programme de Coopération UC 74/00.

Both in France and Brazil, the issue of security is present in public debate and has become a political concern at different levels of government. Starting from a brief discussion of the meaning of the phenomenon of violence in both countries, we move on to debates on the French experience in the field of prevention and safety and the Brazilian in the field of public safety and human rights. We are thus able to put together some reflections on issues that are shared despite the quite distinct social realities.

II. THE SAFETY ISSUE IN FRANCE

II.1. Violence in France

The theme of violence in France brings phenomena such as urban rebellion and disorder, the rise of small and medium delinquency and disobedience as well as a growing sense of insecurity to the forefront.

On the one hand, there is a rise of delinquency which has been registered in official records and is generally practiced by youth. Observing the four major groups of crimes and offenses that are recognized in police statistics (theft and trade of stolen goods, economic and financial delinquency; assault and battery; other crimes and offenses), we see that the rise in delinquency is largely related to increased theft, a tendency that begins in the late 1960s and early seventies (SINNA, 2002, p. 241-242). On the other hand, there has also been a rise in so-called incivility (disobedience), that is, acts that do not constitute illegal or criminal activities and do not appear in official records, but do contribute to general feelings of insecurity. These are minor infractions that remain unpunished, or acts of disrespect, such as insults, threats, fights or vandalism that through their repetition make social life harder. "Expressions of aggressivity that in themselves are are not that serious, but become unbearable on a day to day basis', these incivilities have become more numerous and less bearable" (WIEVIORKA, 1999, p. 35). At the same time, revolts or skirmishes perpetrated by youth (usually of foreign or "minority" origin) which are also referred to as urban disorder - such as street races in stolen cars, car-burning or destruction of public goods or infrastructure - thus give the "finishing touch" to the repertoire of violence in France today.

In light of the increased small and medium level delinquency, feelings of insecurity and the surge of revolt and disorder in large cities that have had major repercussion in the mass media, the question of insecurity has gained political relevance and propitiated the development of local policies for prevention and safety (SINNA, 2002, p. 61). We are interested here in discussing central aspects of policies of prevention and security that were developed in the aftermath of the Bonnemaison Commision[2], throughout the decades of the eighties and nineties.

II.2. Prevention and security policies

It is worth noting that when dealing with policies of prevention and security in France, we are referring to a wide spectrum that ranges from policies based on a social approach to those

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[2] Set up by the Prime Minister in 1982, the commission got together and actively involved the mayors of large cities, engaging them in thinking about the city and its representatives. Its goal was to define approaches and propose initiatives on delinquency prevention in French cities (SINNA, 2002, p. 68-69). The Commision has become a key reference in the French debate on security.

based on a security (repressive) approach to security issues. There are policies of general social prevention that aim at the roots of delinquency; those of focused social prevention geared toward a target population that is at risk for delinquency and those of situational prevention that, within a less repressive scenario, seek to dissuade delinquency and to protect potential victims through spatial surveillance.

During the eighties, policies put together in the security field were characterized mainly by a local and social-prevention approach to problems of delinquency, conforming to the Bonnemaison Commission's conception[3]. Community councils for the prevention of delinquency (CCPD)[4] were the basis for prevention policy and the policies that were put together through these councils moved away from the repressive approach to delinquency, although changes regarding police and justice systems were also included in the Commission's guidelines (idem, p. 88-97).

At the end of this decade, it was noted that delinquency preventions actions had been diluted within the global social policies of the city ("politique de la ville"[5]) and had lost their specificity (in other words, their focus on the issue of delinquency). Delinquency prevention policy was marked by lack of definition or excessive generality, with actions diluted within the realm of socio-cultural actions guided by municipal structures of social action and engagement (programs and resources for delinquency prevention came to encompass any social or cultural action and actions situated in the field of social prevention were justified as delinquency prevention) (BERLIOZ & DUBOUCHET, 1998, p. 90; SINNA, 2002, p. 84-86).

This then was the product of the difficulties of defining a conception of delinquency prevention and articulating the different levels of prevention. Thus, delinquency prevention was dissipated, channeled through global policies advocating intervention in all the possible risks of social inadaptation and aimed at promoting more adequate forms of socialization. CCPD functioning was characterized by the attempt to articulate prevention and the struggle against violence and the tension between investing in delinquency prevention among target populations (focused prevention) or in the prevention of social inadaptation (social prevention). In general terms prevention policies were more oriented toward the struggle against exclusion than toward actions geared directly toward crime prevention, with little articulation between the two (BERLIOZ & DUBOUCHET, 1998, p. 91-93).

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[3] Basically, these policies were guided by the following principles: local approaches to security problems, co-production of security through a contract method (promotion of partnerships between different actors and levels of government) and proposals to strike a balance between prevention and repression. (SINNA, 2002, p. 61-99).

[4] The CCPD is considered the cornerstone of the French model for public policies for delinquency prevention sincethe 1980s. With the mission of coordinating and maintaining actions for delinquency prevention and thus contributing to "civil security", the CCPDs are founded on the principles of collective mobilization and broadening the scope of actors involved, particularly the responsible local politicians. The organ is set up under the authority of the **préfet** (representative of the State) and the mayor. (BERLIOZ & DUBOUCHET, 1998, p. 89-90.

[5] The "politics of the city" (politique de la ville) corresponds to a series of policies geared toward the promotion of social and cultural action (social and cultural activity) and the social development of neighborhoods.

According to the conception that creates an opposition between prevention and repression, the CCPDs distance themselves from issues of repression or security in a strict sense. As a consequence, these councils do not generate transformations in the institutions directly linked to security issues (the police and the criminal justice system) in a way that would effectively engage them in a joint effort to promote actions directed toward immediate delinquency prevention.

The presence of these institutions in the CCPDs is evaluated as merely informative (commenting statistics on delinquency), formal and marginal, to the extent that the councils have not been able to articulate and integrate the different actors and logics of public safety that exist – from the mayor (representative of the city) to the **préfet** (State representative) and the institutions of repression (police and criminal justice. Notwithstanding their intention of constituting a site of articulation, the CCPDs have not been able to promote a deeper understanding of the issue of police and justice system agents in the communes (communities), have not reduced the distance between fields of prevention and repression, have not promoted cooperation between security system agents (police and criminal justice) and social prevention agents (social workers and teachers) and have not dismantled or put an end to competition among institutions (idem, p. 102; BODY-GENDROT, 2001, p. 921; SINNA, 2002, p. 85).

In sum, as Body-Gendrot and Duprez have shown, the 1980s prevention model can be understood as a policy of positive discrimination which favors underprivileged neighborhoods, with the goal of overall improvement of neighborhood living conditions and direct action on delinquency – differently from the Anglo-American model of situational prevention, which seeks to dissuade delinquents from acting out by increasing the quantity of obstacles that lie in their way (BODY-GENDROT & DUPREZ, 2001, p. 381). It is a prevention model in which police and criminal justice agents are largely absent or have little participation.

After new waves of revolt in the early 1990s[6] and a demonstrated inability to interrupt the increase of delinquency, these policies came to be seen as failed or insufficent in the reduction of insecurity. Although the above-mentioned authors have pointed to a series of shortcomings - the lack of evaluation of prevention policies within the realm of city policy and difficulties in measuring prevention results and evaluating their effectiveness in combating social segregation - the fact remains that politically speaking, the problem of public security has become more critical and has demanded and received increasing attention.

Resulting from the 1980s model, a situation emerged in which the system in operation (through the CCPDs) was not able to attend to delinquency victims' immediate demands, real or potential, since it was geared to social prevention actions that aimed at improving the local social environment and thus worked only indirectly toward the reduction of delinquency. Although their original goal was to prevent delinquency, which pressupposes direct actions to impede criminal behavior and in consequence, demands articulation with the security area (repressive institutions), the CCPDs were unable to promote the integration of penal, police, sports, cultural and urban policies, which were often conceived of and implemented autonomously (idem, p. 100-102). Long-term answers were given to demands that required short term action and the insecurity issue became an even greater political priority, both at the level of central government and city halls. The latter faced rising pressure from public demands in a context in which victims became the center of attention.

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[6] Revolt in (1990), sparked of by the death of a youth in a police blitz, qo years after the Minguette conflicts.

From there on, there was a dislocation from **prevention** to **security;** although prevention policies continued, a new emphasis was placed on **security,** so that the State and its institutions of repression (police and criminal justice) became increasingly implicated. (BODY-GENDROT & DUPREZ, 2001, p. 386-389) There was a movement toward a focus on policies of prevention and security, which were directed toward problematic groups, and the separation of the issues of delinquency prevention and public safety from that of the **politique de la ville**. This was followed by policies that were distinguished from earlier ones in terms of their greater or lesser distancing from social prevention. Policies tended to focus on issues of security in a more direct way, whether within the realm of delinquency prevention of that of repressive action[7].

At the end of the 1990s the government introduced the Local Security Contracts (CLSs) (1997), a policy of prevention and security based on notions of citizenship and of proximity which was proposed as a political answer to the continued rise of small and medium scale delinquency – particularly juvenile delinquency – and to rising feelings of insecurity. The CLS is also a local policy of prevention and security, along the lines of the CCPD, but can be characterized as a more systematized policy (based on the elaboration of diagnosis, the definition and implementation of actions and the evaluation of tasks carried out) that attempts to improve upon the deficiencies of its predecessor in attending to demands for security[8]. It is a part of other urban policies (that focus on the areas of education, employment and urban re-structuring) within a context in which the global social policies that characterized the 1980s are no longer considered sufficient for reducing insecurity and in which the question of delinquency has garnered new salience and more focused policies. The CLSs represent a proposal whcih associates prevention and repression through a working partnership in which the police force also becomes a relevant actor. Therein, the inclusion of a proposal for police reform and the development of a police force of "proximity", different from the traditional police that have proven unable to respond to the population's clamor for security, that is, for the control delinquency and the reduction of feelings of insecurity.

An analysis of the results of this policy enables us to identify the main issues surrounding crime prevention and security in France. Evaluating a sample of CLSs actions, Sinna came up with a classification for them, clarifying what is done through policies of prevention and security by means of these contracts (in other words, their political content)[9]. Three types of actions were identified: a) long term social prevention actions, not geared toward a specific target population for delinquency; b) actions centered around the use of public space and geared toward avoiding acts of delinquency ("the route to actions") involving the presence of police forces and mediating actors; c) social prevention actions focusing on at-risk individuals or groups or related to delinquency (victims, authors and professionals).

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[7] Emergence of local security plans (1992), departmental security plans (1993-1995), departmental prevention plans (1995) and local security contracts (1997) (SINNA, 2002, p. 91-114).

[8] The Local Security Contract – a contract for local elaboration of policies of prevention and security – and of community-based police (1999) are the instruments of intervention implemented by the policies of local security contracts (Guide pratique pour les contrats locaux de sécurite, 1998; SINNA, 2002, p. 121-122).

[9] A sample of 51 local security contracts, among which 34 are in problem or extreme problem areas ("départements sensibles ou très sensibles") (SINNA, 2002, p. 139).

The CLS that are analyzed carry out three types of action in varying proportions but, to a general extent, the evaluation of all contracts shows that most actions deal with focused social prevention, followed by situational and social prevention. Thus, local policies of prevention and security are divided between social prevention actions geared toward a specific population, at risk for delinquency, actions geared toward the occupation of public space - to watch over and protect it – and global social prevention action.

Evaluation points to the precedence of focused prevention over social prevention and the emergence of a situational paradigm in the field of prevention and security policies, although contracts exclusively geared toward situational prevention do not make up the majority. According to Sinna, these means the "emergence of a concern with the management of public space in a situational perspective that was not present in France prior to 1995" (SINNA, 2002, p. 206).

In the author's judgement, CLS policy represents a change in relation to previous policies, by making way for situational prevention through a tendency that opposes more than it complements the previously prevailing model of social prevention. If this is actually the tendency that is taking hold, then there is a risk of substituting one logic for another rather than promoting the articulation of different short and long term actions through a broad social perspective. Although the policies are local, articulation and integration of different areas has not been achieved; thus, the great challenge of developing an approach in which social and situational prevention and prevention and repression – in opposition to the separation of social and security dimensions of the problems of lack of safety – are joined remains.

In light of the urgency of security-related demands and the above-mentioned lack of articulation between the different areas, politicians are left with a restrictive and defensive approach to security problems. Thus, hypotheses posing the differences in dealing with these problems via the articulation of prevention and security issues through a social perspective or by way of social segregation through the control of public space, remain open to exploration (idem, p. 351-362).

As Berlioz and Dubouchet commented when the CLS were initially introduced, this policy may prove to be an opportunity to return the CCPD to their original objective of delinquency prevention (which requires the articulation of prevention and security fields) or, on the contrary, it may represent a movement in the direction of specification of functions, contributing to separate initiatives related to the prevention from those that are related to security. (BERLIOZ & DUBOUCHET, 1998, p. 91). In this regard, it may be claimed that, given the confusion between social prevention and delinquency prevention, the CCPD have been marred by the over-generality of their actions and by their distancing from the repressive approach and its corresponding institutions (police and criminal justice). At a later moment, through the CLS, an opposite risk seems to emerge - that is, that through the imposition of security policies, social issues are eclipsed. This risk exists, if the articulation of social and situational forms of prevention is not carried out through security-oriented actions within public spaces, followed by actions geared toward social inclusion.

II.3. The police

In this discussion, centrality should be given to the role of the police within the field of prevention and security policies and particularly, the issue of the difficult relationship between the police and inhabitants of poor or marginalized neighborhoods.

With regard to the first issue, CCPD evaluation has revealed scant police participation within these councils, as we have already stated, and the need to strengthen the roles of council coordinators, the police and the magistrate in order to permit progress in dealing with problems of lack of safety. In the same vein, the introduction of the CLS has been considered an occasion for placing population demands for safety at the core of their programs, so that they have an impact on security agents and educators, beyond the action of local agents of social mediation, and thus are able to break through the separation of social and repressive approaches to delinquency prevention (idem, p. 103). Taking on an orientation toward the analysis of local specificities and for the constitution of partnerships, the CLS could propell police work at a local level, so that their actions are determined by the needs of the locale (MONJARDET, 1999, p. 520), and furthermore, promote articulation between prevention and safety professionals (social workers, educators, police, magistrates, etc.).

Evaluations have indicated that rather than re-establishing a balance between police presence and social service agents, prevention and security mechanisms have served to distance the latter. Similarly, there has been almost a complete lack of judiciary power involvement in the contract policies; thus, the continuing challenge to articulate the fields of prevention and security is evident.

With regard to the police, these difficulties reflect an earlier lack of fit between social demands for security and institutional offer, producing a challenge for prevention and security policy. As Monjardet has pointed out, police work prioritizes keeping order and a large judiciary police and is consequently not equipped to respond to the growth of small and medium-scale delinquency nor the growing feelings of insecurity that run through the daily life of the population. Notwithstanding government endeavors to establish a police force "of proximity" in troubled areas (1998), an ideology of public order prevails and there is a consequent devalueing of the work that goes on out on the street. There is resistance on the part of police organization toward the establishment of a police "of proximity" as "a local public service, adapted to the local forms of social demand for security and capable of efficiently responding to the latter", rather than as a mere branch of the State police." (idem, p. 520; cf. also MONJARDET, 1996).

With regard to the second point – the relationship between police and population – we see that the problems between youth and police in poor neighborhoods cannot be reduced to a rejection of police institutions resulting in hostility toward the police and recourse to violence on the part of young people. As Monjardet has made quite clear, the problem is that the police have never been present in the daily life of these neighborhoods enough to become part of the social space and thereby gain legitimacy amongst the population. This makes police work difficult, promoting lack of motivation on the part of police officers and fomenting antagonisms. "This promotes a vicious cycle of reciprocal growth of feelings of estrangement and animosity, in which all police intrusion is seen as hostile and susceptible to degenerating into confrontation" (MONJARDET, 1999, p. 524). Therein lies the need for a a universal public policy of police force that is close to the population, encompassing the action of the entire police institution – in contrast to one of differential treatment of policy officers working in selective areas and those who work in difficult neighborhoods.

The police, in turn, feel that they have become victims in a context of change in relation to their role. The current difficulties they face in confronting violence in daily life, compounded by greater external control over their activities and by the deterioration of their living and working conditions - given institutional inability to fulfill the republican promise of equality in contexts of social exclusion – seem overwhelming. "Thus they enter easily into a spiral of mutual non-recognition: they feel scorned by those they scorn or afraid of those that stir fear; through their daily behavior, rather than through the violence they sometimes engage in,, they feed into   the

convictions held by poor and working class youth, especially those from immigrant communities, that they act in an unjust, racist and evil way" (WIEVIORKA, 1999, p. 60-61).

Furthermore, we can see that in many slum areas, youth revolt occurred precisely in the aftermath of police intervention (Peralva apud WIEVIORKA 1999, p. 31). The frequent detaining of youth, or the police or vigilante actions that result in the death of a young person, provoke acts of protest or rebellion that can give rise to other criminal activity. Repeated harassment or detainment within a context of repression of the frequent small conflicts involving adolescent groups ("repressive inflation") trigger acts of rebellion that in turn lead to crime where it did not previously exist (BONELLI, 2003, p. 3-4).

This situation breeds a tense relationship that can lead to the extremes of illegitimate police violence and youth rebellions, products of a daily life permeated by aggression, racism, provocations and rejection.

With regard to the revolts, Tissot has called attention to the frequent dislocation of the center of the problem-the difficult relationship between police and youth – to the social issue of the periphery, that is, of poor and slum neighborhoods. "Everything unfolds as if the emergence of the issue of [problem] neighborhoods were the result of forgetting or, more correctly, of the supression of the event that triggers revolts, the death of a youth." (TISSOT, 2004). In public debate, the youth revolts – revolts that follow the death of a young person at the hands of the police or guards – are portrayed as the fuse that is linked to a much larger social problem, leaving out or giving only minor importance to the facts that sparked off the rebellion. Thus, the deaths and the problems that underly them – racism, discrimination, conflict between youth and police – are diluted in a generalizing rhetoric and do not become the object of political action.

In short, it is not only social precariousness and lack of equal opportunities for youth living in poor neighborhoods or districts that are the underlying factors for revolts and conflicts, but also the feeling of injustice stemming from negative relationships with the police, such that these institutions also generate security problems by reproducing discriminatory action. Feelings of exclusion and injustice, the need to express social and civil demands within a context of inequal conditions and discriminatory institutional treatment seem to be at the root of youth revolt, to which at least several meanings can be ascribed: violence can be reduced to acts of vandalism, to violence that is acted out against poor populations themselves, or as the political acts of excluded youth, moved by feelings of injustice and in search of channels for the expression of their demands. (WIEVIORKA, 1999, p. 32; BODY-GENDROT & DUPREZ, 2001, p. 384).

III. THE SECURITY ISSUE IN BRAZIL

III.1. Violence in Brazil

In Brazil, criminal violence has become a national problem that has taken center stage in debates within the field of public security. When the issue of violence is discussed, particular attention is given to the high rates of homicide which rose consistently between 1980 and 2000[10]. Homicides provide the only national data base on violence that permit faithful comparisons between different regions of the country (LIMA, MISSE & MIRANDA, 2000, p. 58); they also provide evidence of seriousness of the problem and seem to represent the peak of a wide range

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[10] Since the year 2000, there has been a noticeable decreasing tendency for which no conclusive answers are available; furthermore, rates continue very high.

of forms of violence that affect Brazilian society, although not affecting all Brazilians equally. Studies done since the nineties show an expressive growth of homicide rates as ones moves from central to peripheral areas of major cities and along lines of age and gender. Thus, young men who live in the outskirts or slum areas of state capitals and other major cities are the main victims. To take an example, homicide rates in the country (per 100,000 inhabitants) rose from 20,9 in 1991 to 27 in 2000 considering total population and from 35,2 in 1991 to 27 in 2000 considering the youth population (15-24 years). For the year 2000, while the homicide rate for males was 50,2, rates for young males (15-24) rose to 97,1 (WAISELFISZ, 2002, p. 33-34, 48). As we have already indicated, these rates may show sharp variation when controlling by area (region, capital, cities, and urban districts), gender and age group.

Although we have no definitive answer to offer on the meaning of these deaths, we can say that they result from different types of violence, including violence related to common criminal activity, organized crime, serious human rights violations and interpersonal conflicts (ADORNO, 2002, p. 8).

Within this scenario, how has the problem of growing violence and insecurity been dealt with? What kinds of reactions and answers have prevailed within the arena of public security?

III.2. Security Policy in Brazil

Thinking about and implementing policies of public security continues to represent an impasse in the process of Brazilian democratization, 15 years after the promulgation of the democratic constitution of 1988 and more than a decade after the consolidation of Brazilian democracy (free elections since 1989).

Considering the influence of the Brazilian "authoritarian heritage" on the state institutions that have been responsible for carrying out social control, we can infer that there has been little room for a democratic approach to the issue of public security in the country. If the beginning of Brazilian republican life did not mean the effective existence of a stable democratic social order, neither were issues related to social control dealt with democratically. Concerning police, the eminently repressive role attributed to this institution is historically salient – whether for control over working class movements or popular demonstrations, or for the repression of ordinary crime. Regardless of the political regime in power (democratic or authoritarian), the relationship between the police and certain segments of the population (the poor, workers, "tramps", criminals and suspects) is characterized by arbitrary practices and bad treatment , although during the "regimes of exception" there was a notorious worsening of institutional violence and an expansion of the affected public due to the repression of political opposition, which included members of the middle classes and went way beyond common criminals. (PINHEIRO, 1981, p. 31-33).

During the transition from the last authoritarian regime (1964-1985) to the current democracy (whose beginning is marked by the 1988 democratic constitution), the debate on public safety has garnered more attention. This was probably due to two factors – first, that in the aftermath of 20 years of authoritarianism the issue of security became a part of the discussions on the democratization of social and political institutions, and second, that the transition period coincided with the accentuated growth criminal violence and feelings of insecurity.

Within this context, the great difficulties in putting the field of security under democratic control soon became apparent: not only police organizations but also political leadership showed resistance to changes in this regard. The transition was carried out without the development or successful implementation of projects geared toward adapting the police to democracy and to

increasing public insecurity. (SOARES, 2003a, p. 75). Lastly, state governments did not offer efficient answers for the new issues emerging from changes underway and the increasing severity of urban criminal violence (ADORNO, 1998b, p. 240).

Not until the mid 1990s did broader initiatives for change appear, among which the creation of the National Secretariat for Public Safety and Special Secretariat for Human Rights stand out as well as the National Program for Human Rights (1996)[11], the National Plan for Public Safety (2001) and the establishment, in the year 2003, of a Unified System of Public Safety, whose goal it was to implement Plan directives.

These initiatives emerged as new security policies beginning at the federal level and, among other things, were meant to treat security problems with greater rationality – through diagnosis, systematization of data and definition of priorities. They also sought to associate police efficiency with respect for human rights, in an attempt to offer an alternative to the dilemma of law and order that has such predominance in the field of security in Brazil (ADORNO, 1998a, p. 183-184; 1999, p. 141-149; 2003, p. 122-131; SOARES, 2003a, p. 80-81).

These policies have meant a new approach to the question of security, since for the first time the federal government assumed the task of elaboration of a national plan for public safety, attempting to articulate states and municipalities with the goal of dealing seriously with security matters. There is no doubt that this brought progress in terms of legislation and the opening of channels for communication and partnership between the society and the State, yet policy implementation remains to be verified, especially when the Brazilian federal system is taken into account, with regional and policy-orientation differences from state to state (ADORNO, 1999; 2003)[12]. Government experiences in different states can be cited as examples of positive changes (SOARES, 2003b, p. 7-16), but continue to be examples of policies implemented only by several states which have not been consolidated as national State policies, leaving them susceptible to interruption or rolling back.

Despite the progress that has been made over the last decade, the scenario continues to be marked by the difficulties that exist in responding effectively to population demands for security and, most urgently, for the reduction of homicide rates. What then are the main problems that limit or place obstacles in the way of the development of new policies in the field of security and public safety? Without any pretensions of exhausting the topic, we seek to point out some of the major obstacles from the perspective that proposes a democratic approach to dealing with insecurity and unsafety in Brazil.

III.3. Security and rights

In Brazil, before questioning the efficiency of policies of security and justice or of the system of criminal justice, it is necessary to look at the problem of efficiency within legal institutions. How do the institutions that are responsible for security and justice work? We can begin with the following formula: they do not only pay insufficient attention to citizens' demands, but frequently violate their rights.

As we have already observed, the issue of dealing with high levels of insecurity efficiently and within the frame of legality remains unresolved in Brazil. This means that, with rare

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[11] Updated in 2002, through the National Program for Human Rights II.

[12] Adorno (1999; 2003) presents a summary of these changes in analyzing the two mandates of Fernando Henrique Cardoso's presidency. (1995-1998, 1999-2002).

exceptions, over the last decades the political and institutional positions that have prevailed on the problem of rising criminality have been truculent. The principles of a new democratic order that guarantees civil liberties have often been obscured or even openly contested by those who defend a "hard line"in the field of security – that is, those who defend police brutality as an acceptable mechanism for the contention of criminality. During the early stages of re-democratization, there was a polarization between actors seeking to defend human rights who prioritized subjecting the police to the new democratic order, and conservative forces that defended taking a "hard line"(that is, not restricted by the new legal order) in a context of growing criminality and recurrent human rights violation (institutional violence).

Although today, opposition between security and human rights perspectives is no longer so great – changes that began in the mid-nineties have been significant, such as bringing in the issue of human rights and the curbing of openly authoritarian political discourse inside police institutions – the problem is still far from resolved. The process of the modernization of public safety has not contributed to the restriction of violent practices (ADORNO, 1998a, p. 169-170) and the challenge of dealing with insecurity efficiently, without infringinging on citizens' rights, remains. Within the political field, there is a tension between the federal government's generally favorable position regarding human rights and the policies of omission, collusion or support of state governments regarding human rights violations which are in fact frequently carried out by public agents (PINHEIRO, 1998, p. 177-178).

To overcome this obstacle, we must make room for a security policy that associates police efficiency with respect for human rights – in other words, a policy that subordinates police action to the law, so that even repressive control is carried out legitimately (SOARES, 2003a, p. 86-88). Where this is lacking, patterns of illegitimate repression against large portions of the marginalized population continues, and in which police officers and organizations are the primary executors. Other criminal justice system institutions maintain greater distance and have lesser expectations placed on them. Nonetheless, there seems to be a lack of consensus in the social and political milieu regarding the need for clear recognition that **legitimate** control of order is a premise for dealing with the problem of insecurity in all its complexity and therefore making progress toward efficient and democratic policies of prevention and security. Examples of this are the persistence of high rates of police violence and the not infrequent appearance, on the political scene, of hard-line authorities who promote police violence (which can occur fairly explicitly) and/or the weakening of the controls kept on institutions, such as police auditors or programs for control of police violence.

III.4.An unresolved problem: police violence

Persisting high levels of police violence are an indication of the fact that a balance between security and human rights is far from being reached. Although they have been reported and monitored over the last 15 years, rates of police violence in Brazil remain high and show how far we continue to be from the consolidation of democratic policies of public safety that go beyond a merely repressive logic and are kept within the confines of the principles of the State of Law. A case in point is the frequently-reported, continued pattern of civilian deaths at the hands of the police in the state of São Paulo, involving the uncontrolled use of lethal force, arbitrary action, torture and abusive or illegal practices against poor populations. Levels of police violence vary from one administration to the next, but tend to remain high – as verifiable through indicators such as civilian death at the hands of the police, rates of civilians dead and injured, proportions of police and civilians killed and the analysis of legal medical findings (CANO, 2003, p. 16-17).

When the incidence of police violence and the absence of effective answers to the problem are examined, a scenario in which the police act according to a logic that draws sanitary

boundaries around poor areas in order to benefit the safety of social elites emerges (SOARES, 2003a, p. 75-76). This logic, in addition to contributing to social segregation, permits the establishment of corrupt groups within police institutions, in which members of the police force take advantage of easy recourse to violence in order to obtain individual advantages (through extorsion or other forms of corruption.) It is a well-known fact that this is not a new problem - arbitrary practices of this sort have a long history in Brazil - but what should be kept in mind here is the indifference with which it has been treated within the democratic regime. Police violence is rarely seen as an issue, the visibility of the phenomenon notwithstanding[13].

While certainly not all police engage in abuses of power, there is a pattern of police violence that particularly affects poor populations and that is not effectively questioned nor combatted, neither by police institutions, political powers or civil society. Civil society does generally manifest itself against the way the police conduct themselves in the cases of flagrant injustice that come to public attention, hence with great repercussion in mass media, stimulating protest and mobilizing authorities. But given the many daily cases of police violence that remain unnamed and unmentioned, the version that conceives of such actions as legitimate police duty against criminals prevails, and thus even within the criminal justice system cases of violent police action are treated with negligence.

Asking why Latin American democracies tolerate such political systems, Chevigny argues that policies supporting police violence are popular, to the extent that the belief abuses are not directed toward the people or the poor majority but toward criminals and "anti-social elements" prevails. From a political point of view, a rhetoric of fear may prove advantageous, particularly in societies characterized by great social inequalities. Support for hard-line anti-crime policy is easily obtained in societies in which people live with fear and without short term prospects for the resolution of socio-economic problems. Within this context, the argument that abuses would contradict the State of Law are not sustainable; a dichotomy between law-abiding citizens (rich or poor) and criminals prevails in which the former need not be concerned with violations directed toward the latter (CHEVIGNY, 2000), although in fact, such treatment is dealt out primarily against the poor.

In short, we see that the increase in violence and criminality favors the emergence of demagogic and simplistic positions within the political scenario (PINHEIRO, 1998, p. 177), generating political and social support for police violence, despite their proven ineffectiveness in dealing with the problem. On the contrary, the problems tend only to be aggravated, since police violence itself becomes one more element of insecurity in poor areas.

III.5. *The other side of the coin: the absence of democratic police forces*

In spite of the seriousness of the problem, police action obviously cannot be reduced to arbitrary practices and illegal violence. The Brazilian police carry out their mission of ostentatious and preventive policing and as well as investigation, within the context of difficulties that are typical of highly unequal societies.

Since urban space reflects the great degree of existing social inequality, the context of police action is highly variable, as are their working conditions. Although significant problems of insecurity do affect central areas or "good neighborhoods" of the cities, these are still

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[13] Or it is dealt with in a very limited fashion, to the extent that those who propose to reduce it (civil society and governments or other police and institutional authorities) encounter many obstacles and are unable to undo patterns of high police violence.

uncomparably much less threatening than the serious insecurity that permeates poor neighborhoods (which in the case of large cities are enormous). Although not all of the poor or outlying districts of the city of São Paulo have equally high rates of homicide, it is evident that the most violent areas are those characterized by tremendous social precariousness (CARDIA, ADORNO & POLETTO, 2003; TORRES et alii, 2003). In meetings held by the community safety councils (**Consegs**) in the southern district of the city of São Paulo, for example, numerous social demands are close on the list of priorities to the number one demand for policing, and many of the social needs that are expressed are related to the issue of insecurity[14].

Within this context the difficulties of police activity are accentuated. Precarious social conditions intensify the risks of violence, increasing the chances that interpersonal conflicts result in acts of aggression or homicides and that youth become involved in drug dealing and are hence "destined" to a very short life. Above all, the precarious context creates conditions that favor drug dealing and are unfavorable for police action, so that in communities where State presence is neglible, it is not uncommon for a relationship of cooptation, dependency on and "collusion" of the local population - who live in fear and whose social rights are unprotected – with local drug dealers (NEV, 2003).

Within this context, police force action is marked by material and management problems such as insufficient human and material resources and/or poor distribution of existing resources; lack of communication between police forces[15] and, internally, between planners and those who carry out police work; high turnover of officers (relocations) and wage disparity (large differences between high level officials and the lower ranks)[16]. This establishes precarious living conditions for the police at the lower levels of the hierarchy[17], triggers professional devaluation and officers devotion to extra-official activities in order to obtain extra remuneration[18] as well as creating high levels of risk and stress for police workers, especially among the lower ranks (idem).

One consequence of this leads is the precariousness of policing in poor neighborhoods. With human and material resources that are inferior to those that are devoted to better neighborhoods, the marginalized population is subjected to the poor quality of services: unreliability, slowness, poor assistance, etc. As an example, one outlying area of the southern

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[14] These are complaints and demands made regarding issues of education, health, transportation, leisure, culture, public sanitation, the environment and other urban problems, all of which provide a portrait of the negligence of the powers that be and the difficulties of the population in establishing communication with them (NEV, 2002b, p. 44-52).

[15] In Brazil, the state police –civil and military – are responsible for public safety, each with its own exclusive functions: the former is responsible for patrolling and prevention and the second, for investigation.

[16] It should be kept in mind that in Brazil, many of these problems do not belong exclusively to the police.

[17] Reference is commonly made to police officers who live in poor neighborhoods or slums, for lack of other housing options.

[18] Doing "odd jobs" or "moonlighting", usually in the area of private security, and notwithstanding the fact that extra-official activities are prohibited.

end of São Paulo had three times less police patrol than the average for the city in the year 2001[19]. The lack of police patrol is a constant complaint that is taken to the meetings of its five community security councils, to the degree that demands for policing in a variety of locales and situations become the most common demands expressed therein (NEV, 2002b, p. 44-52).

On the other hand, it is precisely this population that does not have access to the benefits of real police protection is not unfrequently greeted with the police violence that in poor neighborhoods has taken on a pattern which of scant patrolling combined with repressive or violent action. Police are absent from the daily life of the neighborhoods and present only for specific actions, that is, unless involved in some more regular violent or illegitimate activity. In the more problematic areas the population rejects the police and the police, in turn, do not usually conceive of establishing any other type of relationship with them. As exceptions that are worthy of attention, some new experiences have attempted to break this pattern, such as the community policing of slum areas[20], but such policies have shown no tendency toward universalization.

Thus we see a confluence of elements that promote the establishment of a difficult relationship between the police and the community and a pattern which combines adequate police patrol and presence in the central areas of the cities and insufficient, precarious and/or violent policing of outlying slum areas. This has become a major obstacle to the articulation of repressive policies and preventive policies aimed at social inclusion - the only real solution, if in fact short or medium-range solutions do exist for the current spiral of violence in which the country is submerged. It is evident that the high level of insecurity that is rampant in poor communities cannot be dealt with adequately through policing, since violence forms part of a complex web of social problems. But the role of police institutions, as well as that of the criminal justice system as a whole, is also fundamental for the inclusion of these areas within the State of Law – keeping in mind that it is not a police force marked by institutional deterioration and abusive practices that will be able to respond to urgent issues of security.

IV. FINAL CONSIDERATIONS

At a first glance, the differences between manifestations of violence in Brazil and France are salient. In Brazil, criminal violence is at the forefront of public debate, given the high levels of violence that exist today after a two decade-long trend of increase. Crimes against persons are a source of general insecurity of the population, representing the apex of a violence that affects public life within a context of acute social inequality. In slum areas, a dynamics of social and institutional violence has been established, challenging security policies with the need to diagnose social violence and promote the democratization of repressive institutions as well as the articulation of social and repressive approaches to dealing with insecurity. Unlike France, where there is agreement surrounding the need to articulate security and prevention, in Brazil another issue is at stake: the articulation of security and respect for human rights, bringing security policy and the practices of state agencies within the realm of the State of Law[21]. Under the current

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[19] It should be noted that this inequality in the distribution of resources is not limited to the area of security, pertaining to health and education as well (NEV, 2002b, p. 53).

[20] One example among others is the experience in the neighborhood of Jardim Ângela, in the southern region of the city of São Paulo, which became a reference in this regard.

[21] Although themes of human rights and public security have been asserted through the elaboration of relevant plans and programs – constituting a significant advance on the

situation, security policy has played the role of maintaining social segregation through repression directed against ample contingents of the population, while a minority seeks protection through the widening of forms of situational prevention which are already quite prevalent among middle and upper classes. Since the 1980s, the model of "gated communities" in which different social groups are, in spite of physical closeness, kept separate through high walls, private security guards and a range of security technologies, superimpose themselves on the dominant model of center-periphery urban segregation (CALDEIRA, 2000). So near, and yet so far...

In France, petty and middle-level delinquency – which excludes battery and assault – make up the large part of criminal activity. In addition to this delinquency, disobedience and urban revolts or unrest also produce insecurity. It can be claimed that, in a general sense, policies of prevention and security are expected to respond to problems of public unease and citizens' daily safety as well as attending to the relationship between the social marginalization of residents of poor urban neighborhoods, the tension between the youth in these communities and the police, and phenomena of unrest and minor conflict that those youth become involved in. For a country with a strong tradition of social prevention policies and after a long experience of local contractual policies, the question of the articulation of prevention and security (repression) imposes itself, so that the need to provide a political response to insecurity does not end up in a security-oriented approach to the problem which would make way for deepening social segregation. In the Brazilian case, not only the strong "tradition" of a repressive approach but also truculent ways of dealing with security problems represent elements that must be overcome.

In both countries inequality and social exclusion are at issue, yet it is not possible to compare Brazil, a country that belongs to the capitalist periphery and figures among the most unequal societies in the world, to a country that developed a strong welfare state, current setbacks notwithstanding. In Brazil, both the social State and the legal State are weak, characterized by difficulties in universalizing social and civil rights. Human rights are guaranteed for only a small minority, so that ample portions of the population are faced with a precarious and repressive State. And for the poorest social strata, lacking in social rights, the threat of criminality as well as repressive or even illegal[22] State actions are the greatest.

In both countries, the problem of police violence pertains to poor areas and seems to represent the tip of a series of social problems related to each social reality, although the less frequent (though no more condonable) **bavures** in France do not allow for comparisons with the level of police violence that affects the Brazilian poor. In France, the segregation of the population of foreign origin, discrimination or institutionalized racism, inequality and feelings of social exclusion (although infinitely lesser than in the Brazilian case) in a country in which equality is a founding premise are among the difficulties that professionals working in the area must deal with. In Brazil, the difficulties that must be faced pertain to the maintenance of patterns of unequal treatment which reflect the limited institutionalization in the country – it as if there were just a tiny drop of institutionalization in a vast sea that is lacking in it. (SANTOS, 1994) In practice, this makes for a limited contingent of "citizens" who are in turn segregated

part of the federal government – there has been political and institutional resistance and their implementation has been disappointing, not resulting in the articulation and integration of security and human rights policies. There have been evident difficulties in garnering the necessary support from the states for the success of these programs (ADORNO, 1999; 2003).

[22] The use of this expression is allowed for to the extent that the State, although it does not promote illegal activities, has shown itself incapable of constraining them.

from the large contingent of "non-citizens", making it all the more difficult to break through the dynamic of violence linked to a series of social and institutional deficits.

The question as to whether both countries will be able to deal with their major problems remains unanswerable. In Brazil, we must at least be willing to carry out a national and especially state-focused political agenda for the democratization of security institutions (particularly with regard to restraining police violence), as well as for immediate treatment of violent criminality in critical areas and long-term social problems, so that policies that integrate repressive and social dimensions of dealing with violence can be elaborated and implemented. If this does not occur, nothing will remain but the reality of an extremely unequal society with a correspondingly weak legal State in which more democratic public security policies are restricted to a few local experiences having no possibility to encompass the vast majority.

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