Brazil's Growing Urban Insecurity: Is It a Threat to Brazilian Democracy?

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Introduction

High crime rates in some of Brazil's big cities are not a new phenomenon. Indeed, since the late 1980s, the violence in major Brazilian urban centers has been a shocking component of daily life. Particularly during the last 10 years, the crime statistics for cities such as Rio de Janeiro, São Paulo, Espírito Santo, and Recife have skyrocketed. Criminals defy the state authority by targeting public buildings, constraining circulation of ordinary people, and even forcing stores in busy commercial neighborhoods to close temporarily. Populations of these cities are frightened and skeptical about the state's ability to protect them. Police are perceived as incompetent, excessively violent, or corrupt; the judiciary is unreliable; and the penal system is flawed. Governmental initiatives at both state and federal levels have fallen short of addressing the problem. The situation is so grave that in some urban regions criminal gangs command more obedience than the authority of the state. This has spurred many citizens to request the intervention of the military in curbing crime and violence.

Under these circumstances and considering that Brazilian democracy may not be entirely consolidated, it is only natural to question whether this situation has affected the political vitality of the Brazilian democratic regime.[1] Surprisingly, if a measure of democracy's vigor is its political vitality, Brazil's democracy looks more energetic than ever. In the 2002 elections, numerous political parties and candidates have campaigned at all political levels with complete freedom of expression and with considerable popular

[1] Democracy was reinstated in Brazil in 1985 after 20 years of military domination.

participation. The process was relatively nonviolent, trusted, and reliable. How to explain such a paradox?

In the following pages, I assess the impact of growing urban crime on Brazil's democracy. The first section analyzes the nature and ponders the dimension and implications of urban crime in Brazil. The second section examines the state's instruments to promote safety—the judiciary, the system of law enforcement, and the penal system—and the state's initiatives to fight crime. The third section underscores the state's actions to curb crime in urban centers and pays special attention to the suggestion that the Brazilian armed forces should be called to fight crime. The fourth section offers a reflection on the impact of escalating urban crime for the sustainability of Brazil's democracy and analyzes the proposal of the Partido dos Trabalhadores (PT—Workers Party) to address the public safety problem. Finally, the paper concludes that urban crime does not threaten the existence of Brazilian democracy—even though it impairs prospects for improving such a democracy—and presents policy recommendations to address urban criminality in Brazil.

The Dimension of Brazil's Crime Problem and Its Political Implications

It is impossible not to be shocked by the dimension of urban criminality and violence in Brazil. Between 1979 and 1997, the homicide rate in Brazil increased from 11.5 to 25.4 murders per 100,000 inhabitants. In the meantime, while the population increased 65 percent, the homicide rate increased 120 percent. In 1999, Recife (capital of the state of Pernambuco) and Vitória (capital of the state of Espírito Santo) had higher murder rates than war-torn Colombia (Huggins 2000).[2] In 2001, Brazil was the country with the largest percentage of murders committed by firearms, firearms causing 78 percent of all homicides committed that year *(2002 UNESCO Report).*

Some statistics related to the city of Rio de Janeiro, for example, illustrate the seriousness of urban crime in Brazil. Between January and November 2002, 2,050 homicides occurred in the city. During the same period in 2001, there were 2,227 homicides; in 2000, there were 2,050; and in 1999, there were 1,898. If one considers not only the city of Rio de Janeiro, but also the greater Rio region (including several

[2] These statistics are helpful and provide a less emotional picture of the situation for Brazilian public safety. Nevertheless, for the purpose of this paper, statistics must be analyzed with some skepticism, as they offer only a partial and static picture of the situation. They are, at best, rough slices of reality with no attention given to details. Therefore, statistics may be used to emphasize one or another aspect, depending on the investigator's interest. For example, the same statistics about urban criminality in Brazil have been used to criticize the police for their excessive use of force— in order to support the claim of the elites' domination of the country—and to criticize the former military regime in Brazil for causing an incomplete transition to democracy. In the context of the same paradigm, such statistics have been used politically to blame the government for not reducing poverty and cited as a source for the profound social gap existing in Brazil, in addition to being the rationale behind electoral pledges to have a more effective enforcement system.

violence-ridden cities in the area known as Baixada), these numbers practically double. During the months of March and April 2002, there were, respectively, 274 and 295 homicides— the all-time-high monthly homicide records for the city. Finally, a macabre but nonetheless helpful figure for understanding the level of violence: an average of 40 cadavers per month are found in the city (Núcleo de Pesquisa e Análise Criminal 2002, www.novapolicia.rj.gov).

Practically every day, the Brazilian press reports on a fresh and dramatic case related to kidnappings, police violence and corruption, drug-crimes, or prison riots. It has reached the point that entire commercial neighborhoods in Rio de Janeiro and São Paulo are being forced to close doors during business hours by the edicts of drug gangs. Urban crime, on the one hand, and the inefficacy of the state to tackle it, on the other, have become so common that they are trivialized by the press.

Indeed, Brazilian leaders seem unable to tackle the crime problem. In July 2000, in a telling statement, President Fernando Henrique Cardoso acknowledged: "Society is demanding that we all take more rapid action. We need responsible, energetic, and tough measures that have the backing of society" (McGirk 2000). This message was also intended to motivate the state governors—the officials primarily responsible for crime prevention and law enforcement in Brazil—to adopt more effective initiatives against crime.

For their part, however, governors contend that the central government does not deliver all the resources they need to fight crime. This tension between state and federal authorities in fighting crime has occurred frequently. For instance, in May 2002, the then-governor of Rio de Janeiro, Benedita da Silva, was forced to accept a federal police task force assigned to the state's capital. The task force had been dispatched by the federal government in response to the population's demands for improved security. Concerned with the implications of the federal presence in the state for her political goals—she was running for governor in a tight race—Governor da Silva initially resisted accepting the federal task force. However, a series of attacks by drug gangs against public buildings and the killing of reporter Tim Lopes[3] in a *favela* (shanty town) left the governor with no choice but to accept the task force.[4] She lost the election.

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[3] In the second week of June 2002, Tim Lopes, an award-winning investigative newsman of *Rede Globo*, was kidnapped, tortured, and killed by drug traffickers while working in one of Rio de Janeiro's *morros* (hills). The case sparked a huge domestic and international commotion.

[4] On June 26, 2002, the minister of justice announced the creation of a task force, under the coordination of the Ministry of Justice, to address public violence in Rio de Janeiro. The task force could count on the *Receita Federal* (the Brazilian equivalent of the Internal Revenue Service) and intelligence provided by the armed forces. It would intensify the Plan for Prevention of Urban Violence and increase police enforcement on roads and in the Baia da Guanabara. As a result of this measure, Rio finally would become integrated with the Public Security National Intelligence Network. Another example of the tension between state and federal authorities was the September 2002 standoff between the minister of justice and the governor of the state of Espírito Santo. The minister announced that the central government would intervene in the state on the basis that the local government had been discredited by drug-related crime and corruption. Because of different partisan politics at stake, President Cardoso did not endorse the minister's decision and did not

The State's Tools to Promote Safety and Their Problems

The state's tools to promote public safety are organized in three systems: the enforcement apparatus, the judicial system, and the penal system. Flaws and problems plague all three systems.

The enforcement apparatus is organized at two levels: the national and the state.[5] At the national level, the Departamento de Polícia Federal (Federal Police-DPF) is the main body responsible for the investigation of criminal offenses that are either interstate or international. It is structured as a career service organization with the following missions: to prevent and suppress the illicit trafficking of narcotics and related drugs; to perform the enforcement functions of a coast guard, air force police, and border patrol; and to perform the functions of the judiciary's police. In addition to these functions, the government announced in June 2002 the creation of a uniformed branch of the Federal Police; a 6,000-person force to perform preventive enforcement roles at points of entry into the country and at some government buildings (*Jornal do Brasil*, June 13, 2002).

At the state level, the Polícia Militar (Military Police), Polícia Civil (Civil Police), and the fire departments are the agencies responsible for the public safety. The Military Police, as well as the fire departments, are militarily organized and serve as "auxiliary forces and as the Army Reserve," which are subordinated, along with the civilian police forces, to their respective state governors. Despite being relegated to the state, since the days of Brazil's authoritarian government (as will be detailed later in this study) these forces have maintained close ties with military organizations and the Federal Police. Operationally, both Military and Civilian Police forces are supervised by the Secretariats for Public Security (Secretaria de Segurança Pública-SSP) existing within each state. At the federal level, these secretariats are coordinated by the National Council of Public Security (Conselho Nacional de Segurança Pública-CONAS).

This enforcement apparatus has been severely criticized for the lack of adequate training, corruption, and use of excessive violence. There are several notorious cases linking police members to violence, death squads, and corruption. For example, on July 19, 1993, 16 members of the Military Police of Alagoas, a northeastern Brazilian state, were accused of killing 69 people. On July 23, 1993, 8 street children were gunned down by members of the Military Police outside of the Candelária Church in Rio de Janeiro.[6] Then, on August 30, 1993, 30 masked armed men—claimed to have been military policemen—invaded the Vigário Geral *favela* in Rio de Janeiro and killed 21 people while setting fire to and destroying several houses. Police violence in large urban centers has reached the point that, in some regions, policemen are more feared than drug traffickers, who can ultimately pose as the real protectors of law and order

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authorize the intervention. Feeling publicly censured [or else "disapproved of"] and humiliated, the minister resigned and the intervention in the state was forgotten.

[5] See Brazil's Federal Constitution, Art. 144.

[6] Four military policemen were later arrested and convicted for this crime.

(Dudley 1998, 2). In 1992, São Paulo's Military Police killed 1,470 civilians, one-third of the total number of homicides in the state (Human Rights Watch 1997).

As for the Brazilian judicial system, there have been long-standing—yet so far unsuccessful—initiatives to reform it.[7] These initiatives have been motivated by the widespread acknowledgment that the system—the legislation as well as organizations and procedures—is flawed and inadequate to Brazil's public safety needs. In consequence, ordinary citizens have become skeptical regarding the application of justice in Brazil, and they believe that justice is unfairly administered, being easygoing with the rich and powerful while being tough with the poor.

Besides proposing modifications to accelerate changes in outdated procedural and legal requirements, the reform project currently in discussion in the Congress[8] targets institutional as well as parochial practices in the judicial branch. For example, at the institutional level, it contemplates the establishment of external oversight of the activities of the judiciary. Yet, although this oversight is to be only administrative and budgetary, most of the magistrates oppose it and view the project as interfering "in the independence of the branches." The project also recommends the creation of ombudsman offices at the federal and regional judiciary establishments. Finally, it proposes reducing the privileges granted to the servants of the judiciary system. For example, it recommends an "experience prerequisite" of at *least three years* before a lawyer can be selected as a judge. It also proposes the cancellation of the two-month annual recess granted to the judiciary system's workers.

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

The penal system is under the responsibility of the Ministry of Justice through the Conselho Nacional de Política Criminal e Penitenciária—CNPCP (National Council of Criminal and Prison Policy) and the Departamento Penitenciário Nacional—DEPEN (Federal Prison Department). These organizations oversee two types of penal

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[7] Problems of the Brazilian judiciary system are epitomized by the substitute proposition—to the project of reform—submitted by Representative Zulaiê Cobra (Brazilian Social-Democratic Party—PSDB) to the House, after more than eight years of debate on this issue.

[8] The external oversight would be the responsibility of the to-be-created National Council of Justice, consisting of 15 representatives (chosen by the Congress) from the public prosecution service, lawyers, and civil society.

institutions: correctional institutions and detention institutions. The first type includes penitentiaries, custodial and treatment facilities, penal and agricultural colonies, and general correctional facilities. In total, Brazil relies on approximately 5,000 correctional penal institutions, including 51 correctional institutions (27 penitentiaries, 6 custodial and treatment facilities, 12 agricultural colonies, and 6 correctional facilities). The second type of penal institution is composed of military prisons, detention centers, and juvenile correctional institutions (12 military prisons, 1,580 prisons, 2,803 jails, and 5 facilities for minors), which are generically categorized as detention institutions. By the end of December 2000, 212,000 inmates were incarcerated in the detention system.

Given the chronicled wrongdoing and mismanagement of the Brazilian penal system, problems abound: prisons are overcrowded, riots are frequent,[9] violence and killings within them are common. Escapes—either by spectacular breakouts or simply by bribing prison guards[10]—are common. In addition, as Fernando Salla observes, Brazil's prison system is plagued by "torture and mistreatment of inmates…a lack of medical, social and legal assistance for inmates and an insufficient number of work and educational programs" (Salla 2001, 8). Finally, the press reports that organized crime groups have been able to maintain command over criminal operations from inside prisons (Salla 2001; Cavallaro and Carvalho 1996). With all these weaknesses, the penal system has become more part of the problem of, rather than the solution to, crime and violence in Brazil.[11]

The State's Attempts to Curb Crime

Given the above track record, the question that naturally follows is, "What have the state and federal governments been doing to correct these problems and increase the country's capacity to combat crime?" In short, different initiatives to curb crime have been tried at the state and the federal levels of government. Although many programs have been impaired by a lack of resources, coordination, and political cooperation, it is remarkable that some state governments have been successful in conducting programs to reform their police forces. Ceará, Minas Gerais, and São Paulo, for example, have

[9] For example, on February 18, 2001, 28,000 inmates rebelled in 29 different prisons. The riot began during family visiting hours when the inmates took some of the visitors and prison guards hostage. When the entire rebellion in the different prisons was finally under control, 19 inmates were dead.

[10] For example, in November 2001, some criminals escaped from a São Paulo prison using a helicopter stolen from a leasing company.

[11] For one more compelling example, see the piece by Antônio Werneck, Elenilce Bottari, and Gustavo Paiva Goulart: "Beira-Mar Negocia Até Míssil," in *O Globo* (June 19, 2002). The story reported how Rio's judicial authorities and military policy stamped out the "Central Office of Organized Crime," which had been installed in the maximum-security prison Laércio Pellegrino (Bangu I). Using cell phones (whose calls were secretly recorded by the police in this operation), one of Brazil's most notorious drug gang leaders, Luiz Fernando Costa (also known as Fernandinho Beira-Mar), was conducting drug operations from prison and even buying heavy weapons.

accomplished positive results through the adoption of programs to increase police professionalism and promoting community involvement based on the adoption of entrepreneurial-style organizational criteria.[12]

Let's take a closer look at one of these success stories. In May 1997, the government of Ceará created the Secretariat of Public Security and Defense of Citizenship (Secretaria da Segurança Pública e Defesa da Cidadania—SSPDC), which unified the command of the state police system and launched its comprehensive overhauling based on three criteria: behavioral change, structural reform, and community and operational integration. As a result, the secretariat began several programs to reshape the system, including the modernization of its communications, the establishment of an integrated management structure and operations center, the creation of community partnerships, and the implementation of new training programs that were consistent with established general guidelines. Since the secretariat's founding, the state of Ceará has invested U.S.$20 million in these new initiatives, apart from the U.S.$12 million received from the federal National Public Safety Plan (*Plano Nacional de Segurança Pública*—PNSP).

The participation of federal forces in law enforcement in states is strictly prescribed by the federal constitution and has been authorized only as a last resort and by request of a state's governor. Apart from convening task forces, the federal government has authorized the use of the armed forces in states on two occasions. Both of these actions occurred in Rio de Janeiro: in the first instance, federal troops were deployed in 1992 as a preventive measure during the Rio-Eco 92, the renowned world meeting on environmental protection. Then, in 1994–1995, the military was sent to the city to stop drug trafficking in the *favelas* in "Operation Rio."

The current policy of the federal government toward crime in the states is found in the National Public Safety Plan, which was issued on June 20, 2002. It is a comprehensive program that aims to stop and prevent criminality, reduce impunity, and increase the feelings of tranquility and safety of all citizens. The plan was assigned a budget of approximately R$750 million (U.S.$ 1.00 = R$ 3.50) and includes 124 areas that address the sources and byproducts of crime. It includes strategies and measures to fight drug trafficking and organized crime, calls for disarmament and gun control laws, provides for professional training and police re-equipping, mandates an end to police violence, and promises the updating of public safety-related legislation. To date, however, no specific report has been issued that assesses the specific results of such a plan.

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[12] See "Citizen Security and Democratic Consolidation in the Americas" in *Notícias*, Latin American Program Newsletter, Woodrow Wilson Center, October 1999.

Is the Army the Solution?

Eventually, out of desperation in the face of the rampant crime and police inefficiency, some segments of the population look to the armed forces as a solution for controlling the violence in Brazilian cities.[13] There are, however, two important reasons for not using the military to fight crime.

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

The second and probably more important reason why the army is probably not the solution to Brazil's crime problem derives from the peculiar history of military interference in Brazil's political affairs. In effect, 20 years of military dictatorship have had a strong influence on all Brazilian government sectors, and particularly on the public security apparatus, that has affected the structures and doctrines of public security as well as society's perception of the issue. Without question, the 1964-1984 military dictatorship is still a sensitive issue in Brazilian politics, and some critics[14] remain resentful of the extraordinary command the military achieved over all sectors of the country. Others even blame the dictatorship for having "militarized" the public security apparatus by creating a military police force and thereby institutionalizing state violence. This is not a fair criticism, however, because the existence of military police under the command of state governments is an old tradition in Brazil.[15] It is true that, between 1964 and 1984, the military government incorporated these state police forces (military as well as civilian) into the fight against "subversion." Their involvement was based on the "National Security Doctrine,"[16] which created a complex domestic intelligence

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[13] See, for example, *World Press Review* (1995): "One prominent lawyer, Jose de Castro, went to the capital, Brasilia, with an ambitious plan to have the army retake the hills of Rio de Janeiro in 'an overwhelming show of force.'"

[14] See, for example, Steven Dudley, "Deadly Force/Rio" (1998).

[15] As stressed by Jaqueline Muniz (2001, 179), "Different from other modern institutions, such as the London Metropolitan Police and the New York Department of Police…our Military Police (forces), during almost two centuries of existence, have not always functioned as police organizations. Even taking into consideration the distinct historical trajectories depending on the Brazilian State they belong to, only in a few instances have they acted as urban police forces" [author's translation].

[16] Under the auspices of the Escola Superior de Guerra—ESG (Superior War College), the military regime would establish a decision-making model based upon a bureaucracy that included military and civilian personnel that were technically and hierarchically organized. Soon after they took

apparatus. The resulting agencies, such as the Serviço Nacional de Informações—SNI (National Intelligence Service) and the Sistema Nacional de Informações—SISNI (National Intelligence System), had control over all federal and state government institutions, including the intelligence sections of the military police.[17]

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

This impressive—although compatible only with an authoritarian state—model was not altered until Fernando Collor became the second civilian president to succeed the military dictatorship.[18] In the first act of his administration, Collor dismantled the Secretaria de Assessoramento da Defesa Nacional—SADEN (Secretariat for the Advising on National Defense) and the SNI[19] (Bitencourt 1992). By pushing the military back to its traditional role outside of the political arena, Collor gave back to citizens the right to exercise political power. Thus, he took apart the philosophical structure for the concept of public security in Brazil on which the military dictatorship had relied for more than 20 years.

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power in 1964, using the "National Security Doctrine" as an ideological blueprint, the military reshaped governmental structures and created new organizations that emphasized central planning and control over the entire state administration.

[17] Decreto-Lei (Executive Order) no. 66.862, from 07/08/1970, establishes that the Military Police should be integrated with the Serviço de Informações e Contra-Informação (Intelligence and Counter-Intelligence Service) of the Army.

[18] Although the period of authoritarian rule in Brazil concluded in 1984, the first civilian president after this period, José Sarney (1985–1989), made little modification to the overall structure of the government's administration.

[19] During President Sarney's administration, the SG/CSN would be renamed the Secretaria de Assessoramento da Defesa Nacional (SADEN—Secretariat for the Advising of National Defense). The objective of the name change was to replace the expression "Segurança Nacional," then identified with the repressive military period, with a less ideological expression: "Defesa Nacional." "Segurança Nacional" was abolished from the text of the new Federal Constitution in 1988. Later, in 1990, SADEN would become obsolete (Medida Provisória 150), and the newly created Secretaria de Assuntos Estratégicos—SAE (Secretariat for Strategic Affairs) would be made responsible for coordinating and overseeing the country's nuclear program. The National Commission for Nuclear Energy (CNEN—Comissão Nacional de Energia Nuclear) was subordinated to the SAE.

Nevertheless, whereas the old and comprehensive logic was dissolved, it is clear that a new doctrinal framework, which is compatible with democracy, is not in place yet. Consequently, two major difficulties still impair the modernization of Brazil's law enforcement capacity: the difficulty of getting rid of the influences of the authoritarian period, and the difficulty of establishing a brand new model for reorganization compatible with democracy.

Is Brazilian Democracy Threatened?

Under this complex set of historical and political circumstances, and in the face of so many obstacles for curbing crime effectively, one must ask: Is the rampant crime in Brazil's urban centers a threat to the country's democracy?

There are two obvious and mutually exclusive ways to respond to this question, that is, *yes* or *no*. However, when Brazil's democracy is actually what is being evaluated, the response may be *both* yes and no, depending on how one interprets its meaning.

Let me explain. If one assesses the vitality of a democracy through its usual elements—occurrence of periodic, fair, free, and legitimate elections; rotation of political power; and effective competition[20]—Brazilian democracy is vibrant and does not seem to be affected at all by the evident lack of safety in some of Brazil's largest cities. Indeed, Brazil has been holding regularly scheduled elections for all political offices, popular participation is excellent, and the electoral process itself has been efficient and reliable. Even corruption, which has been an enduring, debilitating disease of Latin American democracies, has been somewhat addressed in Brazil. In fact, a president of the republic (Collor de Melo) was ousted in 1991 on charges of corruption, a development that went a long way in strengthening democracy in Brazil.

The 2002 political campaigns reflected these positive trends and proceeded normally without any signs of weakness in the face of escalating urban crime. Nevertheless, the issue of crime took center stage in the election debate, with all candidates promising to stop the rise in urban crime. As expected, the debate on crime and security was more heated in regional campaigns and in the states most affected by urban violence, such as in Rio de Janeiro, São Paulo, Espírito Santo, and Pernambuco. Because state governments have the primary responsibility for public safety, the political implications of crime and violence have been relatively limited to this subnational level and have not achieved a broader political impact proportional to the concerns raised in

[20] The minimalist approaches to the definition for democracy are satisfied with the observation of these attributes in Brazil, and overall they remain consistent with Robert Dahl's classical definition of a polyarchy. According to the minimalist approaches, a political regime is defined as democracy if it allows for free contestation and participation. Based on these stipulations, it is clear that contestation and participation are present in Brazil's democracy. However, these two attributes refer to a wide range of values, norms, and practical activities, which start with the mere exercise of voting but do not stop there. Consequently, the minimalist approach uses concepts that are in themselves highly subjective and imprecise.

the news. While the direct results of crime may be geographically limited, the feelings of insecurity and the disbelief in political authorities are not; they can spread all over the country and eventually affect the political system. There is no evidence, however, that this is happening in Brazil. Thus the response to the initial question must be "no"—urban crime in Brazil, serious as it is, does not portend a threat to the country's democracy because the country's democratic political structures and procedures are sound and functioning.

The logic of the previous argument looks elegant and simple because it defines democracy from a static perspective. On the contrary, though, Brazil's democracy is best viewed as a dynamic process that began in 1985 after 20 years of military dictatorship. The country's democracy should be considered a process instead of a product, i.e., a regime in transition toward a "full democracy," which still suffers the influences of some authoritarian practices that have lingered from the times of the military dictatorship. In this sense, the notion of what is a real "threat" to its sustainability is subtler and is concerned with what may undermine or impair the country's process of transition toward a full democracy. Consequently, to be able to analyze the impact of urban crime on Brazil's democracy, a new variable must be included: the *quality* of the country's political and electoral systems. With the inclusion of this concept, the hypothesis that rampant urban crime can pose a threat to Brazil's democracy becomes quite sound.

The first possible threat to such an "evolving democracy," at least theoretically, comes from the ghosts of the previous military regime. The logic of the argument works like this: the increasing deterioration of society's confidence in the state—due to the failure of civilian authorities to curb urban crime—would create an environment that would motivate the military, with the support of society, to undertake a coup d'état and reassume the political control of the country.

Insomuch as there is no evidence of any military's movement or even interest in returning to power, this is merely a rhetorical or academic exercise. It is true that the armed forces have been niggardly and correct in refraining from letting themselves become engaged in crime enforcement. They also have been completely mute about political issues. However, the military, particularly those who commanded the country for so long, do not take well to the notion of state authority deteriorating. Consequently, they may well be tempted to intervene in the government to "save" democracy if they believe that the state's authority has lost control over crime and that crime networks have established "parallel states."[21]

[21] For example, in January 1995, the Rio de Janeiro bar association passed a motion to declare the city "in a state of siege." Cardinal Eugênio Salles, the archbishop of Rio, denounced the gravity of the crime situation and referred to the existence of an unacceptable parallel power in Rio de Janeiro (*World Press Review* 42 [1995]). Expressing preoccupation with the situation of violence and drug-related crimes in Brazil, in January 1998 Alberto Cardoso, the chief of the Presidency of the Republic's Military and Institutional Security Cabinets, warned that drug traffickers and organized crime had established "parallel states" or "liberated zones," i.e., niches within society that would

In addition, as mentioned earlier, the influence of the military dictatorship on the structure of the existing public security apparatus is still considerable. The armed forces 20-year stay in power was time enough to have implemented a blueprint for an entire security structure that was clearly identifiable with an authoritarian rather than a democratic regime. After barely 15 years since the return to democracy under a negotiated pact with the military, Brazil has not had enough time to create new structures that are entirely free of the vestiges of the last dictatorship. Moreover, some of the military organizations and agencies that were dismantled were never replaced with their democratic equivalents.[22]

Interestingly, these vestiges of the authoritarian regime seem to have been assimilated by Brazilian political culture and maintained in such a way that they are accepted as a democratic norm even though they are utterly undemocratic. For example, the assignment of the federal task force to Rio de Janeiro includes the participation of the *intelligence* apparatus of the armed forces (*Jornal do Brasil*, June 14, 2002). In effect, this stipulation means that the armed forces, by providing intelligence to the civilian and military police, are acting clandestinely within the country with Brazilian citizens as their targets. Moreover, these covert actions will happen without any legislative control—since, as opposed to civilian intelligence services, the military is not subject to external control. This activity of the task force is obviously incompatible with the principles of a democracy. Certainly, no advanced democratic regime in the world allows their military to conduct similar actions. Nevertheless, no academic or journalist in Brazil has raised the issue; and thus, no public criticism has been aroused over this "promise" of the task force. We may assume, therefore, not only that Brazil's armed forces engage regularly in domestic intelligence operations but that society considers such a mission legitimate and in agreement with the constitutional rights of the military. This is certainly difficult to understand within the framework of a more

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end up being dominated by criminals and threatening Brazil's sovereignty. He explained: "The lenience of the authorities and of the society itself has allowed the drug traffickers to replace the government in controlling the social environment; the notion of respect for state authorities has deteriorated and the state as instrument of control has been totally disregarded. When a government administration is supported by organized crime, it establishes a condition of generalized lenience that extinguishes the authority and gives birth to a parallel state" (Kramer 2002). Nevertheless, despite this declaration, two years later Miguel Reale Junior, then Brazil's minister of justice, would again denounce the existence of parallel states under the command of organized crime in Brazil (*Jornal do Brasil*, June 12, 2002). He made the statement following the popular consternation in the wake of the murder of TV Globo reporter Tim Lopes (Cooper 2002). A *Jornal do Brasil*'s editorial (June 6, 2002) stressed that the murder of the reporter represented two kinds of threats: one to public security and the other to freedom of information. For the newspaper, "organized crime was strong enough to challenge the state and impose a parallel justice.… Security and democracy itself are threatened" (*Jornal do Brasil*, June 6, 2002).

[22] For example, Paulo Sergio Pinheiro (1996) states, "Democratic leaders during political transitions in Brazil have held an overly optimistic view that civilian government and the strengthening of civil society would be sufficient to consolidate the rule of law. New civilian governments have underestimated the vigor of the authoritarian legacy and have proved unable to reform institutions inherited from the military regimes."

developed democracy, which considers the engagement of the armed forces in domestic intelligence activities compatible with authoritarian regimes and hardly compatible with democracies.

As a result of these democratic anomalies in Brazil, we are forced to abandon our previous analytical tools and adopt a more complex, sophisticated definition of a democracy to understand the impact of urban crime on the country's democratic regime. In contrast to a minimalist definition, a more complex concept of democracy entails consideration of the capacity of the regime to bestow social and civil rights, in addition to political liberties, to its citizens.[23]

When applying this paradigm to Brazil's democracy, we observe that whereas this regime was able to promote a fair development of political rights, it was not able to similarly address the profound disparities existing in the social and civil rights areas. Historically, the social rights of Brazilian citizens have been dramatically impaired by poverty and inequality.[24] In parallel, their civil rights have been characterized by a lack

[23] This conceptualization follows from Guillermo O'Donnell's paradigm (2001). O'Donnell observes that certain South American countries (Argentina, Bolivia, Brazil, Uruguay, Chile, and Costa Rica) satisfy the two essential requirements for the definition of a political democracy: contestation and inclusiveness. These countries meet the first requirement by holding "elections under universal adult franchise that, at least at the national level, are reasonably fair and competitive" (2001, 599)—although O'Donnell acknowledges that these elections have yet to become more institutionalized and decisive. This group of nations also fulfills the second requirement by securing some political rights for their citizens, such as freedom of expression, association, movement, and access to a pluralistic media. Nevertheless, the incapacity of these states to tackle economic crises, social inequality, corruption, and violence has resulted in the rise of "anemic states" such that "everyone has the political freedoms that pertain to a democratic regime; yet many are denied not only basic social rights, as suggested by the widespread poverty…but also they are denied perhaps even more basic civil rights" (2001, 601). Consequently, O'Donnell concludes that although some South American countries have been able to secure democratic political rights, they have fallen short in guaranteeing civil and social rights and cannot be considered "full democracies."

[24] Brazil's population is about 170 million. Considering the World Bank's poverty baseline (R$ 65 per month), we find 35 million Brazilians living in poverty, i.e. 23 percent of the population. Considering the Fundação Getúlio Vargas' baseline (R$ 80), we place 50 million and 30 percent of the population below the poverty line. Assuming the World Bank's poverty line, this portion of the population (23 percent) receives less than 3.0 percent of the national income. The problems of poverty are magnified and multiplied by inequality, particularly in the largest urban centers where the disparity is most evident. The richest 10 percent of the population appropriates 50 percent of the wealth while the poorest 50 percent receives only about 10 percent. Moreover, the poorest 10 percent controls only 1.0 percent of the nation's income, and the richest 10 percent captures 47 percent of the total. In addition, there are striking disparities among and within states. A rural-urban gap exists within almost all states in terms of poverty and resulting social welfare indicators. For example, the rural illiteracy rate for the population about 15 years of age is still at 32 percent, almost twice the national level. Among states, there are deep differences regarding per capita GDP, living standards, and public service infrastructure. Finally, a large number of Brazil's poor are located in rural rather than urban areas (52.5 percent). Urban areas with populations that are less than 100,000 are home to 62 percent of the nation's poor, suggesting that the majority of the country's poor are not living in the *favelas,* although it is in the larger cities that the income inequalities are more evident.

of civic culture and by the lack of protection against societal and even police violence. Consequently, urban crime, violence, impunity, and the related inability of the states to provide for the public's safety affect directly the prospects for improving Brazilian democracy. Even worse, they are fueling people's frustration with democracy, as the polls show.

Within this scenario, the occurrence of frequent elections, which characterize the exercise of political rights, has had the paradoxical effect of hindering initiatives of reform that could broaden the scope of citizens' civil and social rights. Indeed, defining democracy as the mere exercise of political rights has led Brazilian civil society to be less demanding about expressing its civil and social rights.[25] Therefore, Brazilians have not been particularly attuned to the association of civil and social rights with the creation of a true democracy. It is this mentality that also helps to explain why Brazilian civil society has not been particularly sensitive to the prospects of urban crime threatening the country's democracy.

The PT and Public Safety

During Brazil's recent presidential elections, the promise to improve public safety was obviously on the agenda of all candidates and helped to propel Luiz Inácio "Lula" da Silva to victory. How are the new president and his Partido dos Trabalhadores (Workers' Party—PT) going to address the issue of public safety in Brazilian urban centers?

The program presented by the Partido dos Trabalhadores (2002) recognizes that "Brazilian people are dominated by a generalized feeling of insecurity" and that organized crime "threatens to compromise the functioning of the democratic institutions." It points out that the problem stems from social exclusion, unemployment, access to guns, and impunity. It also mentions the lack of adequate preparedness of the state apparatus, both human and matériel, to fight crime. In addition, it blames the slowness of the judicial process and the inefficiency of the penal system for crime and violence.

The PT's proposal to address the urban crime problem largely follows the recommendations of the Public Safety Project (*Projeto Segurança Pública para o Brasil* 2002) prepared by the Instituto Cidadania, a think tank associated with the PT, following a15-month consultation with a large number of experts. Based on its diagnosis of the public safety problems in Brazil, the project proposes the creation of a unified system for public security (Sistema Único de Segurança Pública) and of a ministry for public safety. The project invites the public to join in a pact to support a National Public

[25] See, for example, Fareed Zakaria (1997). Concerned with the Western practice of blurring the distinction between democracy—which is related to political procedures—and liberal democracy—which is related to constitutionally assuring social and civil rights to its citizens, Zakaria explains that democracy—implying fair and free elections—is a public virtue. Yet, to be labeled democratic, a country should assure "a comprehensive catalog of social, political, economic, and religious rights" (1997, 3). Moreover, Zakaria explains that for a nation to be categorized as a true democracy, it should value democracy as "a badge of honor rather than a descriptive category" (1997, 3).

Safety Plan (*Plano Nacional de Segurança Pública*), and it proposes actions at the federal, state, and municipal levels, as well as changes in the federal constitution. At the federal level, in addition to the creation of the Secretariat for Public Safety, it proposes measures to modernize the Federal Police, create an integrated public safety data bank, establish an ombudsman within the Federal Police, create a special department dedicated to training and qualifying workers in the penal system, and enforce gun control. At the state level, besides several measures intended to secure for governors better control over enforcement activities, the project recommends measures to improve the civilian and the military police organizations. At the municipal level, the project focuses on programs to protect young adults from the drug threat. Finally, the project suggests reforms in the federal constitution aimed at establishing a new legal paradigm for public security, which would replace the model imposed during the authoritarian regime and still largely in force. The most meaningful proposal in this sense is the separation of the Military Police from the Armed Forces by changing article 144 of Brazil's Federal Constitution (1988).

Conclusions

Brazil's 2002 elections offered vibrant testimony to Brazil's democratic vitality. More than 16,000 candidates ran for 1,647 positions at all administrative levels, including the presidency of the Republic. Results were known speedily, accepted unquestionably, and endorsed warmheartedly by Brazilian civil society.

Although crime and violence have been frightening the populations of major urban centers, the good news is that this situation does not seem to be undermining Brazilian democracy, at least not yet.

An initial—and rather obvious— explanation for this lies in the perception that crime and violence are limited to some major urban centers. Indeed, despite the brutality of and wide publicity about urban crime, violence is not perceived as widespread, but rather as a local phenomenon peculiar only to some cities. Consequently, Brazilians who do not live in those cities feel shocked by the information on violence.

A second explanation arises from consideration of Brazil's political transition to a democratic regime. One perceives that Brazilian citizens have been cautious about what they demand from their democratic administrations. Apparently, they still avoid demanding too much from civilian administrations because they fear that excessive pressure could break the current order and lead to an authoritarian setback. Therefore, from the political standpoint, Brazilian democracy does not seem threatened by crime and urban violence.

The bad news comes from the perception of democracy as a process of improvement not only of political but also of civil and social rights. Considered this way, Brazilian democracy emerges as a still-fragile institution that has fallen short of securing civic and social rights for Brazilian society. Moreover, although political accomplishments have been extraordinary, they also lead citizens to disregard what could be perceived as flaws in the regime. At the local level, though, in the urban centers

affected by crime and violence, frustration with democracy grows along with frustration with the state. Therefore, although the political process has assimilated society's reaction to urban crime, the situation holds serious risks for the much-needed improvement of Brazil's democratic model.

Indeed, because the very origin of the "state" as an idea was related to the community's collective desire for security, feelings of insecurity relate automatically with the perception of the failure of the state (Ulman 1995). As Brazilian citizens have seen the image of the state's security apparatus—for example, uniformed and non-uniformed police forces, the penal system, the judicial system—tainted by excessive violence, incompetence, and corruption, they have become progressively frustrated with the political regime. Thus, the society demands a solution for its anxiety *by any means*, irrespective of the risks these means may eventually convey for democracy.

It is clear, therefore, that there is tension here and that a rupture point exists somewhere between how much hope the exercise of democratic political rights can generate within society and the frustration of those expectations. At this moment, Brazilian democracy still seems far from this rupture point, but all the sources of tension are there.

As has been discussed, the deterioration of urban public safety in Brazil is rooted in a combination of causes. Poverty, and especially the huge gap existing between the rich and the poor, creates a fertile environment where drug dealers circulate and establish areas of influence. The lack of respect for the state's enforcement apparatus—plagued by violence, poor training, inadequate structures, and corruption—lends a perception of impunity that both promotes and trivializes criminal acts. In addition, the inequity, dramatized by the close proximity of the richest to the poorest classes in urban centers, underscores the injustice of the situation and renders an air of legitimacy to crime. State initiatives to address the problem must therefore be comprehensive, address specific social demands, and combine regional and federal enforcement efforts in a coordinated way.

So far, the Brazilian democratic state has been losing the fight against the rising wave of urban crime. The judicial system is outdated and slow; the penal system is overcrowded and plagued by riots and escapes. The law enforcement system has conceptual and political problems—including the lack of adequate coordination between civilian and military police forces. It also has specific operational problems related to adequate preparation of its personnel. Overall, these flaws indicate enforcement institutions that have been unable to define a new identity compatible with the requirements of democracy and free from the distortions of the model left by the authoritarian regime.

Initiatives to improve the system have presented mixed results. Although the federal and state governments have recognized the problem for a long time, specific measures to combat the problem are only recent, including the reform of police forces in some states and the National Public Safety Plan. Nevertheless, the states' police reforms have

not been uniform, nor have they been taken seriously by all states, and the public safety plan is too new to have yielded important results. And then there are the skeptics who question the government's commitment to follow through on this plan of action. Meanwhile, ad hoc initiatives, like the task force assigned to Rio de Janeiro, have produced some positive results, but they are purely operational and targeted at specific criminal activities. Thus, they do not address comprehensively the problem of urban violence.

The PT's Public Safety Project should not be considered a plan of the new administration to address Brazilian urban centers' public security problem. It departs from a correct diagnosis of the problem, identifies the organizational problems resulting from the transition from the authoritarian regime to democracy, and understands rightly that the response should be comprehensive. However, the project is excessively generic: it addresses practically everything that ideally would resolve public safety problems without paying much attention to the feasibility of many of the propositions. Nor does it specify budgetary needs. And, so far, it lacks real commitment by the new administration. In short, it is still a goodwill declaration but not a real plan to tackle the problem.

Given the mixed results of policies and the institutional frailties of the public security apparatus, the central government—for the sake of Brazilian democracy in its interrelated political, social, and civil dimensions—must assume a proactive role in dealing with urban crime and violence. It is fundamental that the central government, with the adherence and participation of the states, comes up with a comprehensive policy to address the urban crime problem in Brazil. For urban crime, although regionally circumscribed, has become a "problem of state" that is potentially capable of impairing the extraordinary gains that the young Brazilian democracy has accomplished.

It is not the scope of this work to suggest such a comprehensive policy. Nevertheless, what follows are a set of recommendations that synthesize possible guidelines to be considered in the formulation of such a policy.

Policy Recommendations

The incoming administration must issue a comprehensive public safety policy that incorporates the participation and political commitment of state governors.

- The policy must be comprehensive and oriented to address crime and its causes. Therefore it should include parallel programs directed at satisfying social demands in critical regions as well as the general demand for a more civic, democratic culture.
- The new policy should be centrally coordinated by the federal government through a Ministry of Public Safety (to be created) but executed in a decentralized manner at the state level.

- The new policy should be designed to address the reforms of the judiciary and the law enforcement agencies as well as the demands for social and civil rights.
- The new policy should engage society through debates and intense participation in social and civic initiatives designed to mold democracy into a cultural asset in Brazil. Civil society and policymakers should treat this as a "war situation" where exceptional measures are both necessary and urgent for the survival of society's fundamental values.

A review of the judiciary and penal systems must be accelerated

- A task force of federal judges and distinguished Brazilian experts should be gathered by the Ministry of Justice to present a set of policy recommendations and push forward the reform of the judiciary and the penal system.

Police reforms across all levels should be designed, coordinated, and implemented.

- Under the authority of the proposed Ministry of Public Safety and with the participation of the Ministry of Justice and representatives of state governments, a task force should be assigned the responsibility of proposing within 60 days a comprehensive reform of federal, military, and civilian police forces.
- This reform should focus on the coordination of police action at different levels as well as cooperation among domestic intelligence agencies.
- Measures should take into consideration the positive results already accomplished by some states (Ceará and Minas Gerais, for example) and suggestions made by the National Public Safety Plan.
- Special attention should be given to police training programs. A general plan for police training and its adaptation to the new public security structure should be designed under federal oversight and executed at the federal level—using the existing facilities of the Academia Nacional de Policia (National Academy of Police) and the Agência Brasileira de Inteligência (Brazilian Intelligence Agency—ABIN)—and at the state level.
- A Manual for Operations in Urban Centers should be prepared by the police, using existing experiences. Specific instructions should be given regarding the release of operational details about police activities to the press; this practice today contributes to making critical operations excessively transparent in the press and thereby inadvertently helps criminals to refine their techniques.

- Specific measures to prevent police corruption, including the improvement of internal controls, must be designed and adopted as soon as possible.

The domestic intelligence capability should be redesigned and adapted to the country's democratic context with a clear definition of mandates, search powers, controls, and oversight, as approved by the Congress.

- A thorough overhaul of domestic intelligence organizations should be conducted by the president's cabinet to update doctrines and assure the coordination and efficacy, as well as the respect for democracy, of the new agencies.
- A national intelligence system for public safety should be designed that is respectful of democracy and is officially implemented as a way to replace the "quasi-formal" exchanges that exist today.

A plan for the implementation of social programs in *favelas* and urban "shanty towns" should be designed and applied to the areas deemed critical.

- These programs should be implemented in close coordination with planned enforcement actions so as to create a "safety net" and to increase the presence of the state in key urban slum areas.
- The programs should include the creation of job opportunities and sport activities centers, especially designed for young adults.

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