Management of Social Transformations
MOST

Discussion Paper Series - n° 35

Violence Related to Illegal Drugs,
"Easy Money" and Justice in Brazil:

by

Alba Zaluar

UNESCO

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SHS-2000/WS/2
The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of UNESCO.

The designations employed and the presentation of material throughout the publication do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning its frontiers or boundaries.
• About MOST

MOST is a research programme designed by UNESCO to promote international comparative social science research. Its primary emphasis is on supporting large-scale, long-term autonomous research and transferring the relevant findings and data to decision-makers. The programme operates in three priority research areas:

1. The management of change in multicultural and multi-ethnic societies.
2. Cities as arenas of accelerated social transformations.
3. Coping locally and regionally with economic, technological and environmental transformations.

• About the author

Alba Zaluar, a Brazilian anthropologist, is professor and researcher at the “Instituto de Medicina Social” at the State University of Rio de Janeiro (UERJ), email: alba@uerj.br. She is currently a network member of the MOST/UNDCP Project entitled “Economic and Social Transformations connected with the International Drug Problem”.

• MOST Discussion Papers

The papers published in this series are contributions from specialists in the MOST research fields and are prepared as part of the international scientific debate on specific themes.

Currently available (October 1999):


9. City partnerships for urban innovation. Francis Godard, 1996. E/F


13. Some thematic and strategic priorities for developing research on multi-ethnic and multi-cultural societies. Juan Diez Medrano, 1996. (English only)


31. Aspectos culturales de las migraciones en el Mercosur. Fernando Calderón, Alicia Szmukler, 1999. (Spanish only)


38. Socio-economic transformations and the drug scene in India. Gabriel Britto, Molly Charles. (forthcoming)


40. The comparative social science approach. Outline for a debate on methods and objectives based on three MOST projects carried out by international networks of researchers. Cynthia Ghorra-Gobin, 1999. E/F


43. *Impact économique et social de la culture du pavot sur la Communauté des Yanaconas au sein du Massif Colombien*. Thierry Colombié, 1999. (French only)

E = English; F = French; S = Spanish; R = Russian

The MOST publications are also available in electronic form at the MOST Clearing House Web site at [www.unesco.org/most](http://www.unesco.org/most)
VIOLENCE RELATED TO ILLEGAL DRUGS,
"EASY MONEY" AND JUSTICE IN BRAZIL: 1980-1995

Abstract

The aim of this paper is to understand the connections between poverty and drug traffic, specifying the different economic, social and institutional devices and changes that affect the matter in question. It is based on primary data from several fieldwork researches as well as data obtained from official sources – the Ministry of Health, the Police and the Judiciary. Data from the last source was obtained after a just completed three-year research project which compared the flux of lawsuits concerning drug-related crimes in the system of Justice in two Brazilian cities: Rio de Janeiro and Campinas.

In the first part of this paper I present the theoretical framework within which I work. The second part concerns the historical background of the economic, social and political changes that compound the scenario in which violence and drug traffic thrive. In the third part of the paper I present some data obtained in an ethnographical fieldwork done in one housing estate of Rio de Janeiro, as well as the interpretation of the findings concerning the working of the Justice system, more specifically the flux of lawsuits concerning drug-related crimes in Rio de Janeiro and Campinas. These findings refer to statistical data obtained from the analysis of all the judicial processes and inquiries registered in the “Livro de Tombo” of the criminal jurisdictions, as well as interviews granted by judges, lawyers, public defendants, state procurators and prisoners in those two cities.
# Table of Contents

Introduction ............................................................................................................................ 11

Theoretical framework .......................................................................................................... 12

Historical background ............................................................................................................ 14

Profits, the ethos of virility and warfare in drug-dealing ................................................... 18

Statistics on violent deaths ..................................................................................................... 22

The justice system: impunity for homicides and sentences for drug-related crimes ........ 25

Drug-related crimes ................................................................................................................ 25

Bibliography ............................................................................................................................ 33
Introduction

This report discusses the present view on crime and violence in several Brazilian cities, and more specifically in Rio de Janeiro which is considered by the national and international press as the most violent city in the country. This perception is primarily due to Brazil's important role in transnational drug traffic, and to the apparent mounting poverty and inequality in some urban areas. There is a widespread argument in the press and in academic literature that drug trafficking flourishes in shantytowns because of poverty and exclusion. But the argument, which points to different mechanisms, does not articulate them in a convincing way. This paper will discuss the common sense ideas putting them in an interactional perspective. The aim is, therefore, to understand the connection between poverty and drug traffic, specifying the different economic, social and institutional devices and changes that have an effect on it. It is based on primary data from several fieldwork research projects as well as data obtained from official sources (the Ministry of Health, the Police and the Judiciary). The latter data was obtained after a recent three-year research which compared the flux of lawsuits concerning drug-related crimes in the system of Justice in two Brazilian cities: Rio de Janeiro and Campinas. Data from another on-going research project compares styles of drug use and trafficking in three different districts (Copacabana, Madureira and Tijuca) of Rio de Janeiro, one in the richest zone of the city, another in a predominantly middle-class area and the last one in a predominantly poor section.

As elsewhere in Brazil, the astonishing pace with which violent crime has increased in the last years and the youngsters' participation in it (Paixão, 1982; Campos, 1988; Caldeira, 1992; Adorno et al. 1995) are among the most intriguing features of violence in Brazil since the beginning of the eighties. In the present paper, I start by claiming that one cannot understand the tremendous increase in the rates of violent crimes, especially homicide, without linking it to drug trafficking. This assertion is supported by fieldwork research that I undertook during the eighties in a poor housing zone in Rio de Janeiro, as well as statistical data from other studies in Brazil (Soares, 1994; Adorno, op.cit.) and other South American countries (Daza and Moreno, 1995; Zaluar, 1994b).

The first part of this paper presents the theoretical framework within which I work. The second part concerns the historical background of the economic, social and political changes that compound the scenario in which violence and drug traffic thrive. In the third part of the paper I present data from the ethnographical fieldwork done in the housing zone, as well as the most recent data from on-going research in three different districts of Rio de Janeiro. In the fourth part I discuss the findings one can gather from statistical data concerning violent deaths and homicides. In the fifth part I present data from research just completed on the Justice system that shows new evidence concerning the relationship between poverty and crime.
Theoretical framework

Violent criminality in Brazilian cities from the eighties onwards cannot be reduced to the question of poverty, a problem that has always been present in Brazilian society over the centuries. Neither can the great rural-urban migration flow that marked the country in previous decades be presented as the cause, for it occurred before the sudden growth of violent crimes.

In contemporary sociology one is not searching for explanations either of the sequence of cause-effect links or of structural characteristics that make people mere puppets of economic or social facts. There is another paradigm, which we could call the interactional model, in which a set of actions unleashes a chain of crosscutting effects that form “configurations” (Elias, 1993) or “constellations” (T. Adorno, 1973). Their internal tensions and disparities remain present so that the final arrangement is not an internally harmonious system. These constantly renewed arrangements are more akin to a nexus of meanings which make up social phenomena, that is, complex and intertwined processes of facts and senses; things and representations that are thought, created and lived by agents. The interactional model considers social practices and behaviours in interconnection so that causality flows between them and one can speak of complexity. This concept is nowadays increasingly part of the idiom of those who think the new global processes of cultural diffusion, be it of new consumer styles, or of behaviour patterns, including the manifestation of violence in cities in which the effects of globalisation are present.

There have been intense debates over the character of post-war society – be it called post modern, post industrial, high modernity, etc. – that went beyond the mere discussion about the proper terms used to denote it. However, there has been also a certain agreement that this society has been subjected to an accelerated process of social, economic, political and cultural transformations, the central points of which would be social fragmentation and the increasing importance granted to leisure and consumption activities as means of ascertaining and defining new social identities. On the plane of social control, such transformations mean that conventional moral restraint, which up to a certain point exists without the Law, has weakened and has not been replaced by new post-conventional ethics based on personal freedom as well as mutuality, respect for the rights of others, or the use of dialogue to arrive at an understanding (Habermas, 1991). This ethics surpasses the one existing in civil law or in the conception of interpersonal contracts that bind private domains and exists also to a certain extent in organized crime1. The new ideas on the compromises each one must make with others in public space (Ricœur, 1990) have not been absorbed in social practices. As a result, gambling, drug use and pleasure-seeking are the main objectives of life for many sectors of the population, especially the younger ones. This makes the businesses that exploit their illegal consumption highly profitable.

---

1 Mafiosi contracts damage third parties and, although they may avoid conflicts, are based on the participants instrumental interests (Habermas, 1991). The relationships of personal loyalty and reciprocity are neither the outcome of a personal free act, but are forced upon mainly by the threat or use of physical violence or even by terror (Caillé, 1996). Demonstrations of the chief’s generosity and magnanimity exist, but are dependent on the whims and caprices of his personal power, leaving little space for the subject of argumentation and demand to appear. The mixture of fear, respect and affection that surround him does not nullify the despotic trait of his power.
Since inequality remains at the social, economic and institutional level, these new globalising forms of economic activities configure a perverse social and economic integration for those who focus on exclusion. The question yet to be properly discussed is how the effects of poverty and accelerated urbanisation or immigration are linked with institutional mechanisms and the presence of networks and fluxes of a more or less organized crime (Schiray, 1994). Although poverty and accelerated urbanisation are clearly connected results and causes of exclusion, organized crime crosses all social classes, has bonds with organised legal business and does not survive without institutional support from state agencies delegated to defend the law. The related themes of violence, criminality and insecurity will not be properly understood if not connected with such dimensions.

Today, the scene of violence in the world cannot exclude the local impact of transnational organized crime or, if one may say so, globalised crime that has sui generis economical, political and cultural characteristics. In it, those who are in strategic positions in the large network of transnational connections may profit quickly and easily as a result of a combination of no or few institutional limits, using violent ways of conflict adjustments. This may be considered as the illegal sector of the production and distribution of goods and services that is part of what is called “mass consumption of style”.

Among the illegal drugs, cocaine is today associated everywhere with a style that puts great value in money, power, violence and consumption of “trademark goods”. Because of the very high prices of the drug, which is more expensive than gold in several

---

2 The concept of the network is used in two main ways in studies concerning drug traffic nowadays. Firstly, it is anchored in the concepts of territoriality and hierarchy with which Geography has envisaged international, national and regional metropolises as well as other cities in order to study the flux of information and products that pass from one to the others through knots and strategic points of interconnections from which some of them hierarchically exert over the others. Secondly, closer to the anthropological conception of a social network, it is used to study and understand the illegal activities that have the character of a continuous business that flows by interpersonal relationships based on secrecy and trust always under proof, in other words, on knowledge and vigilance people have of each other as well as taken for granted arrangements and rules between them. In this second meaning, it applies notably to the lower levels of the drug traffic that have an intricate and decentralised web hardly controlled, contrary to what happens with the wholesalers and financiers of the traffic, who tend to create centralisation and hierarchy in Cartels e Mafia (UNDCP, 1997).

3 The concept of organized crime is entangled with the concept of Mafia and has been the object of an unfinished debate which started during the last century: the former referring to its organised or disorganised character, and the latter pointing to its condition of crime, work or enterprise. In any case, there is no doubt that one is dealing with a set of activities spread in networks that have components of economic endeavour, that is, it needs repetitive activities, (though without the discipline, regularity and rights of regular work), a goal of which is profit (easier and higher the better seen at the wholesalers and intermediaries network), using variable methods and currencies for exchanges typical of secret or underground relationships.

4 All over the world, the existence of laws that prohibit and the strong moral censorship that is imposed on such activities, compels practices and organization forms that are both underground and violent in their means of negotiation (threats, intimidation, blackmail, extortion) or in the conflict resolution (aggressions, murders, terrorism) to react accordingly in either their commercial or private disputes.

5 Style is a concept used for substituting culture and subculture which have theoretical consequences and presuppositions which are inapplicable in such times of very rapid changes and uses of social identities and practices. Used first to designate what was called “youth culture”, style then became the most suitable term to characterise the swift and transitory novelties in fashion of music, clothing, art, language and other juvenile behaviour that could no longer be exclusively interpreted on the holistic perspective of religion or of class culture, although not entirely disconnected with them.
places, its trade has become a source of enormous and rapid profits, as well as greater violence. In this case, the profits are not engendered by productivity or greater exploration of labour, but by the illegality of the enterprise itself (Salama, 1993). The demand that guarantees high profits, is created by changes in lifestyle associated with individual consumption, which is characterised by style consumption (including the use of illegal drugs) and which is more expensive than post-war family consumption due to the secure and comfortable domestic patterns of middle class families. Such changes in consumer habits have been accompanied by new conceptions of work and suffering. Furthermore, these changes, which have been credited as one of the effects of the globalisation process, are said to have favoured or gone with the impressive verified increase in certain crimes “against property” – thefts and mugging – as well as “against life” – aggressions and homicides (UNDCP, 1997). However, the local and micro mechanism by which this has come about is yet to be properly studied.

Historical background

At the beginning of this century, during the first republican period, there had been a noticeable spur of criminality. The most common offences and crimes were disorders, vagrancy, thefts, robberies. “Crimes of blood” – private vengeance committed between people known to each other – were much less frequent. Similar patterns existed in European countries (Fatela, 1989). After a period of relative tranquillity following the Second World War, there was an enormous increase in violent crimes, especially kidnapping, robbery and homicide. In many European countries, this started during the sixties (Lagrange, 1995), but in Brazil, it started at the beginning of the eighties, with violations multiplied several times in several cities, mainly Rio de Janeiro, São Paulo and Recife. This rapid growth in homicides particularly affected young men 15-29 years old and shifted from crimes of blood to crimes in public places between people who were neither intimate, nor even known to each other. This is exactly the same pattern found in disputes over the division and defence of territories and the payoff of traffickers and robbers. This is the same crime pattern as the one that developed during the violent competition between gangs in the ghettos of Los Angeles, Chicago and New York which started at the beginning of the 20th century.

From the fifties onwards, big metropolitan regions and many middle-sized cities appeared as a result of the speedy urbanisation of older towns, notably in the Southeast Region, the most populated and richest Brazilian region, where are located the two biggest metropolises of the country: Rio de Janeiro and São Paulo. However, starting in the eighties, the migratory movements changed direction. Prior to that time, migrations took place from the Northeast towards the Southeast, or, within the Southeast, from small towns to cities such as Rio de Janeiro and São Paulo. The main migratory flow in the eighties has been from the South, originating especially in the state of Paraná, towards the Centre-West and North of the country (Martine, 1994). During the nineties, São Paulo and Rio de Janeiro have grown very little, whereas some middle-sized cities have continued to display noticeable population growth.

6 In New York the same pattern is found in the traffic of heroin in that, from the sixties onwards, trafficking was established in the black and Puerto Rican neighbourhoods, and the pattern continues in the more recent traffic of cocaine and crack (Sullivan, 1992).
During the eighties, the country had progressively recovered democratic practices. This followed a period of economic development during the military regime (1964-1984), when increased wealth had never been distributed. Instead of economic growth, there had been a scenario of economic, moral and political crisis supported by rapid inflation. Brazil had a varied and modern economy, but its political and juridical traditions and institutions had not evolved. Not only did it have one of the worst income distributions in the world, but there were also great inequalities in terms of access to Justice or distributive justice. The latter manifests itself when people are systematically excluded from services, benefits and guarantees which are considered as social rights of citizenship ensured by the State. It is seen when people do not have human or civil rights, that is, those rights that are contained in national constitutions or in the Universal Declaration of Human Rights. It also appears when people do not or can not criticize the laws or the workings of Justice.

During the eighties, there was a new rise of criminality rates in most Brazilian states and big cities, mainly in the metropolitan regions such as São Paulo, Rio de Janeiro, Salvador, Recife, Porto Alegre, and Brasilia.

Political violence – even though not altogether absent from the recent and less recent past when it assumed forms of collective violence – cannot explain the recent spur of interpersonal and private violence. In spite of the oscillation between centralisation and decentralisation and several disruptions of the Rule of law, parliamentary power had been institutionalised in Brazil since the Empire. Even though there had been setbacks, Brazilian parliamentary liberal tradition, established through the strength that local oligarchies have always had in the country, revealed itself stronger than expected with help from supporters of authoritarianism and the military regime. The locus of violence has been the subject of a lively debate concerning the ideas about the “Brazilian Cordial Man”17. There are no records of glorious revolutions similar to the French or the American ones, nor of civil wars between Catholics and Protestants, Christians and Jews, Muslims and Jews. Although it is true that slavery led to centuries of deep interpersonal violence, the explosive episodes of racial, religious and political hatred were either transitory or localised and never divided the country. Nevertheless, it is also a fact that violence was given a real, though limited, place in the collective imagination of Brazilian society, as happened in Portugal (Fatela, 1989).

Thus, there has never existed in Brazil anything similar to the phenomenon “la violencia” which devastated the Colombian political parties during the fifties. Nor has there been the enduring urban and rural guerrillas that formed the peculiar pattern of violence in Colombia. Unlike what happened in other countries, the Congress of Brazil did not close down during the military period. The government continued to use corruption along with clientelism as strategies to control the politicians who still had some power of decision. This later resulted in some strongly anti-clientele and anti-State attitudes amongst members of social movements attached to opposition parties. It facilitated the emergence of networks and circuits of money laundering for organized crime, even during the period of re-democratisation. Finally, since there have been no or few reforms within the justice system, and especially no changes in police practices with regard to the poor, one might say that the effects of the military regime are still present in the functioning of these institutions.

---

17 Sergio Buarque de Holanda, Raízes do Brasil.
Inflation, which ravished the country until 1994, is not an exclusively economic phenomenon; psychological and moral factors are also involved. It has therefore had perverse effects on the attitudes and values of the population, especially in the wages and salaries sector where people gained nothing from it. High inflation erodes mutual trust without which there is no stable social relationship between economic agents. Furthermore, inflation had been considered a form of “stealing” the salaried, and had depreciated governmental credibility, fostering an authority and governance crisis in the country. Psychologically, it had also been used as a justification — “everybody is stealing” — for thefts, robberies and muggings and all the instrumental games that people increasingly engaged in. Finally, high inflation had facilitated the work of networks and circuits of organized crime inside the country in so far as it had helped create the mirages of “easy money”. Those who had started practising increasingly more daring economic crimes were helped by the growing difficulties in records and social control over public budgets and bills. This background has, therefore, facilitated corruption and money laundering, activities that are very important for establishing criminal connections.

Even when inflation was controlled by the Plan Real, which stabilised the currency in the country, the magical and volatile new financial international arrangements still existed, including the transnational systems of money laundering for governmental corruption and organized crime linked to the drug traffic. Financial crimes, including those related to trafficking and money laundering inside the country, are still little-known and uncontrolled. This is one of the main reasons why one cannot explain the present wave of violence as being simply an effect of the geological layers of customary violence in Brazil — which, in fact, has diminished since the Second World War.

A certain category of these crimes was committed primarily by poor youngsters. In order to understand this, one should first analyse how poverty affects the young. Research has shown in many countries that, nowadays, a greater proportion of the poor belong to the “female” and “child” categories. Data from the Brazilian Institute of Geography and Statistics - IBGE - indicates that, in 1989, 50.5% of Brazilian children and adolescents belonged to families with per capita income of less than half the minimum wages (around US$50) and 27.4 % belonged to families with less than a quarter of the minimum wage. Of the latter, 56% belonged to families headed by women. More than 40% of the families headed by women were below the poverty line, whereas approximately 30% of nuclear families were in the same situation (Ribeiro e Saboia, 1993). The growth in the proportion of families headed by women with children under 10 years in the poorest layers of the population is pointed out by numerous studies (Ribeiro da Silva, 1987; I Henrique and Valle e Silva, 1989; Rizzini, 1993; Barros e Mendonça, 1993). According to the 1991 census, families headed by women with children corresponded to 16% of the total number of families in the country, but, within the lowest income group, the same type of family represented 30% of the total. Whereas below-poverty-line families headed by women accounted for 26.27% of the total number of families, amongst the 1% richest such families represented only 3.4% of the total.

It is also a fact that, in order to compensate for the wage losses provoked by inflation as well as to respond to the new consumption demands for domestic equipment and clothing, poor families have put children and adolescents on the work market in
order to bring in more income. Several studies also point to the increase in this category of work in urban areas during the eighties and to a bigger rate of unemployment amongst youths. Nevertheless, the majority of these youngsters and children—many of whom work informally in the streets—never join criminal groups, despite their vulnerable position. Only a small number become involved with gangs of traffickers or robbers. Basic needs or the wish to help their families are not sufficient reasons to explain why some join these gangs and others do not, though the need to earn money remains a factor. In reality, few poor people opt for a criminal career. In one fieldwork research done in a poor neighbourhood of Rio de Janeiro, I estimated that around 1% of the total population (380 people out of a population of approximately 120,000) belonged to trafficker gangs, and approximately 1200 people were involved in thefts and muggings (Zaluar, 1994).

Finally, the existence of a new form of informal/illegal market is another element that helps explain what is going on in Brazilian cities. Informal markets have always existed in Brazilian cities, and have been an important source of income for the poor with little qualification for work or little schooling. These informal markets have developed personal networks and complicated rules for the occupation of the main streets in the major urban centres of the country. Yet, for the past decades, they have been joined by street vendors who goods which have been stolen from trucks, residences and pedestrians, or which have been smuggled in from other countries. Informal trade, which traditionally has been a way out of unemployment and an alternative for subaltern work, has thus become tied to organized crime. This becomes even clearer when one discovers its connections with gold selling shops, car repair shops, wrecked cars lots, antique dealers, etc., some of which have become collecting points for stolen goods. It has been discovered recently that even some legal truck transport businesses are part of the network for truck robbery. However, there has been little systematic investigation of these networks so far, although policemen have sometimes repressed harshly the last in the line: those who sell on the streets.

Most of the projects to reduce inequalities that were implemented during the eighties have been unsuccessful. To understand this, one must take a close look at the political ideology that guided them. The idea of poverty in Brazil, for instance, cannot be understood without considering the political culture background. Most discourses, including the social policy discourse, have linked deprivation predominantly to material lack (as if inequality was simply a matter of food) without analysing the absence of a coherent idea of citizenship, which implies integrated social, political and civil rights. Inequality, therefore, has been interpreted only in terms of material differences, without linkages to juridical and political differences. This is a double simplification: confusing poverty or social inequality with absolute deprivation in its most concrete and evident symptom—hunger—and reducing citizenship to social rights. In the former, the simplification ignores deep changes in the consumption patterns of workers' families, that explain the relative deprivation vis-à-vis other social groups and categories, as well as the intra-family and inter-generation conflicts in a consumer society.

Although urban society in Brazil today is highly individualistic, a romantic conception of the community is still central to the political culture that constitutes the ideological setting for most attempts to tackle the problems of poor youth. Emergency programmes that provided insufficient training for work and gave jobs to unqualified youngsters in a complex work market only reproduced the problems that led those children and
adolescents to the streets. At the same time, the changing social image and definition of the street due to organized crime and increasing violent crimes has augmented the pressure for “keeping the children off the streets”, the main reason for popular support of such programmes. At the same time, the social image attached to those youngsters reinforces their new social identity, which is increasingly linked to marginal activities and violence. This calls for a change in school pedagogy and in technical teaching of this sector of Brazilian urban population, as well as for institutional reforms in order to integrate the several dimensions of citizenship for the poor.

Profits, the ethos of virility and warfare in drug dealing

Some research on drug use has been done among the Brazilian school population. It has revealed that the drugs most consumed are not the illegal ones. On the contrary, the most popular are inhalants or solvents (“lóló” or “lança-perfume”, glues, enamel, gas, acetone), all of them openly sold in shops. In the same way – but to a lesser degree – anti-anxiety medicine (tranquillisers and sleeping pills) and amphetamines (or the famous “bolinhas” – small balls) are consumed. These are found nowadays on the black market since, starting in 1963, the Health Ministry has progressively controlled them. Nevertheless, they can also be bought legally as appetite moderators. Marijuana is only in fourth position, and if one includes alcohol and tobacco, it comes in sixth place. Cocaine appears in seventh place (Carlini, 1989 apud Bucher, 1992), although there are some signs that its consumption is increasing. These figures, if correct, indicate that drug use does not necessarily provoke violent struggles between traffickers and users, since this does not happen with the other equally dangerous but legally obtained drugs.

In Brazil, nevertheless, illicit drugs have continued to spread rapidly, especially among young people, creating centres of bloody conflict in poor neighbourhoods. Repressive policies have resulted in corruption within repressive institutions, fear, prejudice against the poor in general and a tendency to demonise drug users. They have had a particularly bitter effect on the daily life of the poor. Relations between neighbours, families, drug users and non-users, armed bandits and unarmed working people, and relations within neighbourhood organizations, have been deeply affected.

Illegal drug traffic had never been a social problem in Brazil until the late seventies. Then, cocaine started to be negotiated on a large scale in the country, following the new routes chosen by the Colombian cartels and the Italian-American Mafia. Cocaine cargoes were sent to Europe and to the USA by these routes. Rio de Janeiro and São Paulo, as well as other cities and towns, became new consumer markets for drugs. From the beginning of the eighties, especially from 1983, there was a clear market strategy oriented towards changing the habits of drug consumers in those cities. Formerly the illicit drug market concerned almost exclusively marijuana, which was an underground and dropout drug and never had great economic importance nor received rigid repressive policy. Then cocaine started to be offered at good value.

As elsewhere, cocaine was not altogether new in Brazil since it used to be sold openly in drugstores and pharmacies for medical and social uses. Nowadays, it is linked to a new culture of money, power, violence and consumerism. As elsewhere, its trade became an enormous source of quick profit and violence. In 1984, as the consumers told the fieldwork team, “it snowed” in Rio de Janeiro, a tropical city. The traffic itself
changed. It was no longer done on the familiar basis of the selling group, and the face-
to-face relationship with the "man of the truck" who brought marijuana from the
producing regions within the country. In its place came a complex, diversified and very
well armed organization in which all commercial and personal conflicts were settled
with guns. A virile cult of guns and of violent exhibitions of power is now the main
aspect of the organization culture. Drug traffic and its repression, the history of which is
recent in Brazil, created the conditions that enticed many lower income youths to
involve themselves in a localised, but very deadly, war. In it, adolescents and even
children have been dying in increasingly greater proportions due to the use of firearms
(Zaluar, 1994).

Today, the drug trade has become synonymous of warfare at the end of the traffic
network. In order to keep control of a cocaine outlet, a "front man" must be constantly
vigilant. He must make sure his competitors are not taking too big a slice of the action
by selling more or better goods or acquiring more arms. He has to deal with his supplier
who is no longer just a person coming around in a truck. There are several new
networks that connect Brazilian states (São Paulo, Mato Grosso, Rondonia etc) and
others that connect Brazil with producing countries (Bolivia, Peru, Colombia). The
front man must deal with the local military policemen, who commonly receive part of
the profits, or else he gets ripped off, or he is simply wiped out by policemen or by competitors from both inside and outside his gang, inside and outside
prison (Coelho, 1989).

While the law of the streets used to condemn rape totally and prescribed exemplary
punishment of transgressors, today sexual liberation has become so intertwined with
disregard for other people's rights that rape, like death, has become banal. Only
habitual rapists are identified and sometimes thrown out of the neighbourhood or
lynched. The predominant idea today is that gang members no longer have "respect"
for their poor neighbours, an attitude that used to prevail in the underworld, although
attempts have been made to politicize them and maintain a respectable facade for
traffickers in the shantytowns of Rio de Janeiro.

---

6 In this matter, there is today a hierarchy between shantytowns in Rio, some of them functioning as distribution
centres for retail, while others as simple customers and small dealers trading points. In the first ones, the exceedingly
well armed crews dominate the local population with extremely ruthless rules of security. In the second ones, the
situation of insecurity varies, depending also on the relationship between drug crews and local military policemen, or
the neighbourhood and the Police. Because of this, the Favelado Federation of the Dwellers' Association estimates
that around 20% of favelados have left their respective shantytowns.

6 Some anthropologists, such as Sahlin (1987) and Dumezil (apud Sahlin), have suggested a relationship between
power external to society, which takes on the signs of virility, and the violation of the people, which takes the sign of
femininity. Hawaiian chiefs came from the sea and were considered foreign gods; they symbolically received native
women during the enthronement rituals. Dumezil, taking the rape of Sáhine women in Roman historical formation
differentiates between a virile, youthful and violent power prevailing in the beginning of domination (celeritas) and a
mature power based on the peaceful and procreative character of a well-established people (gravitas). The paradoxes
and problems of legitimacy and force are present in the rape of women by a violent because virile power.

10 The gang responsible for most rapes was the one called "caixa-baixa" (lower-cases), a band of thieves that entered
into war with the most powerful gang in the neighbourhood because of the high cuts taken on the valuable stolen
goods the "lower cases" brought back to sell. After Zé Pequeno's murder, the lower-cases took over the hustle after a
fierce struggle and were nearly all killed off in subsequent battle with the Red Commando (Comando Vermelho, an
organised crime ring). Because of their disrespectful behaviour, the lower cases were held in low esteem by the
community. The Red Commando has a policy of seeking support from the local population and therefore combats
local thieves who mess up their business. It also follows the strict rule of capital punishment for betrayers or for
those who kill because of personal revenge. Death is the punishment for men, women, "minors" who squeal or kill
for personal motives, but not for rapists.

19
Nevertheless, the criminals themselves are the ones who are likely to cite seductive women as the motive of feuding among men: “It was a woman who led me into the life of crime”. Many of them speak of the enemies they have made because of women. Local gangs waged violent fights over women during or after dances organized by youngsters during which they listened to new styles of music advocating violent confrontation with the “system” (funk, hip hop, etc.). The story of the war between Zé Pequeno and Manoel Galinha is well known. Manoel Galinha was a handsome working man with a beautiful girlfriend, who was coveted by Zé Pequeno, a gang leader who expanded his drug business at the point of a gun. He wanted to “have it all”, to take over all the drug outlets in the neighbourhood. He also wanted Manoel’s woman. Short and ugly, he was unsuccessful in winning her heart and took vengeance, humiliating Manoel in front of her by shooting him in the buttocks and slapping her around. Manoel decided to organize his own gang and take revenge. A war started then that lasted for several years, involving other gangs even after the main protagonists were killed. Hundreds of young people died in the process (Zaluar, 1985 and 1992).

While women would appear to be the main bone of contention, they are actually just one element. The key issue is in fact the meaning of the relations between men. The same kind of struggle is waged over weapons, dope, and stolen goods. As one disillusioned young “vapor” said in an interview:

“Dealing dope is a business of getting even. Pushers have always got an eye on other men's goods, even their women. They'll kill just to get another man's woman.”

Dope hustling is cited by disillusioned pushers as a place of distrust and animosity, where there is no respect except for the other man's gun. It is also a sexually charged, virile world. All the men carry guns; to carry a gun is to “walk mated” or to “have your iron in your belt”. To show off your weapon, or “to pull your stick out”, is a common characteristic of such urban outlaws, and one which can often prove fatal. Instead of the verb to rob, they say “to mount” their victims, an expression used both for mugging people on the streets and for breaking and entering houses. To kill somebody is to “lay them down”. The prime audiences for such displays are apparently the women they are trying to impress with their power and the money in their pockets. Despite the fact that men with guns are the first to be grabbed in police raids, the young outlaws never tire of bragging that the “chicks” go for men who carry guns, because they feel more protected. Women confirm this version:

“.... So a guy goes and puts a gun in his belt, thinks he's really cool, picks up a whole bunch of women, makes a baby in one of them, and dies overnight. Sometimes the older guys get women involved in this who have nothing to do with the scene, and they think it's all going to be cool, like it's going to be like that famous guy with all kinds of women, with gold necklaces, and they're going to have it easy, go to a nice motel in a fancy car and all that... Most women like outlaws... because of the guns, they figure if anybody messes with them, they're going to get it... I think a guy like this thinks, like, he's got an iron in his belt, he's got a gold chain and a Champion watch and he thinks

---

11 Many women died in this war from stray bullets or bullets on target. There were young women, girls, even pregnant women killed, often after being tortured because they were suspected of informing or treason, while for others there was no apparent motive. A total of 722 young people were killed in the course of 15 years of warfare in this neighbourhood.

12 This term denotes the man responsible for the drug distribution to the sellers. He is the one who takes care of the selling place (boca-de-fumo) and administers its personnel. In the hierarchy, he is second to the manager who is the financial administrator and keeps the book.
tomorrow he's going to have a calculator and I don't know what else, and that he's fine. And then, one nice day, he goes out to rob for his lady, and he gets it.”

In this game of seduction, it's important to flaunt fancy clothes and other outward symbols of wealth: a gold chain, car, expenses at motels, etc. That's what shows you have money in your pocket that you can spend any time you want, since “women don't like to rough it”. Young men say they go into crime to show off for women and conquer them. However, under this emblem of the femme fatale, womanhood is reduced to a prop for a young man's prestige in the neighbourhood: to go to a dance surrounded by women, with money in your pocket, to make everyone greet you, admire you, envy you. Even here, femininity is just one more factor in the competition between men. Neither will they submit to anything or anyone: “they think they can get away with anything”. Here may be the crux of the matter: exacerbated male pride and a thirst for unbridled power in a historical context of moral and institutional crisis, with no restraints on the highly lucrative, expanding market for illicit drugs, sought by consumers as part of a pleasurable life.

It should not be forgotten that this style of drug dealing makes extraordinary profits possible, even though it is not as organized as the transnational drug traffic and sometimes is actually disorganized due to all the gangs and individuals who are striving for power and position in the trade. Even if not co-ordinated entirely like a Mafia hierarchy, the drug trade in Rio has a very efficient horizontal arrangement by which a shantytown that runs out of drugs or guns immediately gets them from the allied shantytowns: either in the Comando Vermelho (Red Command) networks, or in the Terceiro Comando (Third Command) network, the two best-known organizations for drug and gun traffic. These networks or Commands conciliate the features of a geographically defined network, which includes central or diffusion points, from which other linkages are established on the basis of horizontal reciprocity. This has both positive and negative aspects. For, even though guns and drugs are quickly lent to allies, the violent reciprocity of private vengeance becomes imperative in the absence of a juridical form of conflict resolution. Because of such exchanges, adolescents die not only in wars for the control of trading points, but also for any motives that menace the status or pride of youngsters trying to assert their virility — the “Sujeito Homem” (Subject Man), as they say (Alvito, 1996; Lins, 1997).

According to the interviews, with the sale of only 200 grams of cocaine, dealers can cover the price of one kilo sold by the “matuto” or intermediary who left it on consignment. They can make a profit of 50%, partly through mixing cocaine with cheaper substances. Half of the profit goes to the “man in the front” or “trafficker”, 30% to the “manager”, who does the accounts, and various percentages to the “vapor”, who remains at the trading point and distributes the small amounts of cocaine (“papelotes”) to the “aviões”, the very young dealers who finally take the dope to the customers. The latter are those most commonly arrested and prosecuted. Most of the time they just receive “cargas” to sell, for which they become entirely responsible. They may sell them after “malhá-las”, that is after increasing their weight with cheap substances in order to raise profits; they may consume most of them, which makes them prone to be killed by the trafficker. The death penalty is the sentence for those who repeatedly do not pay him or who excessively crumble the merchandise.

For young men or boys, the main source of pride lies in the fact that they are part of
the gang, use guns, join in robbing and looting, become famous for this, and, if they have the proper “disposition”, may someday ascend in the hierarchy of crime (Zaluar, 1994; Lins, 1997). Thus, the strategies for recruiting youngsters – calculated according to how many permanent dealers (from 10 to 30) the trading point needs – are based as much on the prospect of earning “easy money”, as on the youth’s fascination for power and fame.

Money in the drug business is highly concentrated at the top. Organized crime thrives in cartels at its highest levels based on the death penalty for those who disobey orders or denounce their superior. Small dealers in Brazilian shantytowns, despite their military apparatus, in fact help those higher up in the hierarchy (that is, those who produce and trade tons of the illicit drugs) to concentrate income and accumulate capital. Lawyers, corrupt policemen, traders of stolen goods and so on should also be included in the list of those making a lot of money. Very few of the poor youths manage to establish themselves in the business, for they die very young or go to prison. But they all contribute to the enormous enrichment of those who remain on the dark side of crime, who are never recorded in the official data. Little yet is known about them in Brazil: who they are, how they live, how they make contacts in the underworld of crime, how they climb the social ladder.

Data on violent crimes during the past few years suggests a link between the spread of drug use, mainly amongst youngsters (Carlini, 1993), the increase in violent crime rates and the repressive policies aimed almost exclusively against the poor and in which police corruption thrives. The social and economic context of inflation, recession and increased poverty only makes matters worse. This partly explains the political apathy that apparently seized the population in Rio de Janeiro’s poor neighbourhoods. From the end of the seventies onwards, gun possession has created, for those youngsters involved in the drug traffic war, a military power that has shaken the foundations of all authority. Local politicians, businessmen and policemen became the focus of aggressive behaviour. Schoolteachers as well as local leaders lost their authority vis-à-vis the youths who had the power of money and guns (Guimarães, 1992; Paiva, 1992; Zaluar, 1985, 1988, 1993, 1994). Today, more and more students carry guns to school and children sometimes cannot go to class because of gunfire or rivalries between the neighbouring schools. Even the experienced and politically concerned adults who have worked in the countless neighbourhood organizations, such as schools of samba, dwellers' associations, soccer teams (Zaluar, 1985), are almost powerless.

Statistics on violent deaths

The data on the increase in violent crime in the eighties are irrefutable, but we will focus on the violent crime that is mostly linked to the drug gangs warfare: homicide. Generally, the young (“minor”) violator's participation in violent crimes is clear. It tripled in just a few years, from 1882 to 1985 (Campos, 1988). Most of the agents of

---

15 The definition of violent crime is not a uniform one in all the statistics available in Brazil. The legal definition includes homicide, attempted homicide, robbery, armed robbery, harmful bodily injury, rape and attempted rape. In the data furnished by the police, homicides as a result of traffic accidents are not included (“homicídios culposos”), only intentional homicide (“homicídios dolosos”). Data available from the Ministry of Health include all deaths by external causes and then separate them into various categories - homicide, deaths caused by accidents and other violent occurrences - which are not used in uniform manner in the nation as a whole.
this violence were young males; they were also the main victims. In 1980, according to the data of the Ministry of Health, 59 per 100,000 men between 15 and 19 years old died of gun injuries in the state of Rio de Janeiro; in 1990, 190 died the same way; in 1995, 184. The rates for men between 20 and 24 are: 111 per 100,000 in 1980; 260 in 1990; and 276 youngsters in 1995. During this year, in the city of Rio de Janeiro, 6,399 people were victims of deaths by external causes (113 per 100,000) of which 45% were homicides. In the metropolitan region, 17,684 deaths by external causes were registered (33 per 100,000) of which 55% were homicides. As a point of comparison, deaths from nutritional deficiencies affected 382 per 100,000 persons in the same year.

Official data from the State Secretaries of Justice, based on police reports, indicates that, in the metropolitan region of São Paulo, the proportion of intentional homicides grew tremendously during the eighties. In 1981, the homicide rate was 21 per 100,000 inhabitants (Caldeira, 1992), whereas, from 1990 to 1994, it was estimated at 42.91 murders per 100,000 inhabitants (apud Adorno et al., 1995). This means that the richest Brazilian city followed the pattern found in other cities of the American continent (Zaluar et al., 1995). Of these deaths, 47.21% mainly concerned young males between 15 and 24 years of age. Although violent death rates have increased all over the country, the most common victims are not children but adolescent and young males from the metropolises and richest regions of the country. During 1991, official statistics indicated that 12.5 men had died per each woman between 20 and 39 years old in the metropolitan region of Rio de Janeiro. In some of the poorer municipalities of this region, the rate had reached the amazing figure of 15 men per woman.

In the metropolitan region of Rio de Janeiro, the homicide rate tripled during the last decade, rising from 23 deaths per 100,000 inhabitants in 1982 to 63.03 in 1990, a period in which the population of the city had stabilised (growth of 1.13%). However, this impressive increase happened mainly in the peripheral and poor municipalities of the metropolitan region of Rio de Janeiro, doubtless because police investigation is particularly difficult there. A careful study of police inquiries and judicial cases during 1991 in Rio de Janeiro showed that 57% of the homicides that year were linked to drug traffic (Soares et al., 1994). This is just one more indication suggesting that the growth in the homicide rate has been somewhat linked to the greater entry of guns and drugs in the country, since both began at the same time. One of the main routes of cocaine in Brazil passes through Rondônia, Mato Grosso do Sul and São Paulo, states in which the violent death rates and the incidence of HIV virus through intravenous use of drugs, reached the highest levels in the country, doubling during the decade (Bastos, 1995). But impunity certainly is also a factor in the increase of the mortality rate amongst the small traffickers since homicides do not receive the same attention and investigation from policemen as crimes related to illegal drugs, at least as far as the poor are concerned.

In the São Paulo region, the percentage of violent crimes among the total number of crimes registered increased 50 percent in four years (Brant, 1989). In 1981, the homicide rate in this city amounted to 25 deaths per 100,000 (Caldeira, 1992), but a recent study reveals that between 1990 and 1994 the average homicide rate was 42.91 deaths per 100,000 (apud Adorno et al., 1995). In only one year (between 1982 and 1983) the rate of growth was 53.8% for all homicides (Adorno, 1992). In the municipality of São Paulo, in a ten-year period the increase was 90.4%; from 3,516 in 1984 to 6,697 in 1994. These murders hit mainly young males (47.21%) between 15
and 24 years (ibidem). These figures are even more impressive if one adds the deaths caused by policemen. At the beginning of the 1980s, there were approximately 300 deaths per year in the city due to encounters with the military police. At the end of the decade, there were 585 deaths per year and in 1991 alone, there were 1,140 deaths. Those figures were not included in the homicide rates. The number of deaths among the police force also increased over the years. Even though they include death off duty and in other work places, the figures are quite clear: 26 military policemen died in 1982 and 78 died in 1991 (Caldeira, 1992).

There are other sources of data, such as the research done by the Brazilian Centre for Childhood and Adolescence (CBIA) throughout the country. This research established that Brazilian youths from 15 to 18 years old die more from murders than from any other motive. In the age bracket of 5 to 11 year-olds, traffic accidents are the first cause of death. From that age on, homicides provoked by firearms lead the statistics with 39% of the total deaths, followed by traffic accidents (26%), other types of arms (12%), and drowning (11%). Of the 39% of homicides that were provoked by firearms, 78% of those killed were youths who were 15 to 18 years old, 10% were 12 to 14 years old, 8% were 5 to 11 years old, 4% were 0 to 4 years old. Therefore, adolescents over 14 years of age are being systematically killed, probably by other adolescents of the same age. Corrupted policemen who form what one could call “extortion groups” rather than “extermination groups”, also kill some of them, but not the majority. The former name is more appropriate since it became clear after recent massacres that policemen demanding their share of the traffic and robbery money executed the youths.

One could say that the age pyramid in Brazil is similar nowadays to that of a country at war, with the lack of young men creating an unbalance between the sexes. But there is no ground for the statement that this war, as expressed in the rate of violent crimes, is a class war as some leftists think. Nor is it a millenarian redress of wrongs in which the poor are avenging their oppression by the rich. Homicide rates are higher in the poor periphery of the metropolitan regions and shantytowns of Rio de Janeiro and São Paulo. In other words, the main victims of violent crimes are the young poor themselves. This is because of the chain of personal vengeance, especially bitter between drug dealer’s gangs, and because of their lack of political and economic resources, which would guarantee them access to security and justice. In São Paulo there is also evidence that rates of violent crime are highest in the peripheral areas and outlying municipalities (Caldeira, 1992). Consequently, poor families are deprived of those who would be the main breadwinners. The injured and disabled become a burden that increases costs in the tight family budget. Public hospitals had almost one million in-patients during 1988 who were victims of accidents and violent crimes, increasing costs and the traditional lack of resources of which the system suffers (Zaluar et al., 1994). In this context, it is difficult to affirm that drug traffic is implementing income distribution or “helping Third World countries”.

The relatively large participation of young males as agents and victims of violence in Brazil is an international tendency, especially on the American continent (including the USA). Because these deaths follow the same patterns as elsewhere on the continent, it is most probable that they are due to the fact that drugs and arms enter the country easily. It should also be noted that repressive policies toward illegal drug trade and use, as well as violent police practices in Brazil have added important elements to the high mortality rates and profits of those at strategic points of the underground business network.
The available data from Medellin (Colombia) shows that the proportion of 15-19 year-olds and 20-24 year-olds who die is very high relative to the national totals. Also, 78% of the deaths registered in Medellin among youngsters between 15 and 24 years old are due to violence (Presidencia de la Republica, 1991). Brazilian cities, however, have not attained the same records. In Colombia, where violence reached world records during the fifties and sixties, the homicide rates are in general much greater than in Brazil. Guerrilla warfare, paramilitary groups, paid political assassinations are part of Colombian political traditions and have long been part of the population's daily life. Even so, there was a tremendous increase in the last decade, when drug traffic and dirty war prospered. Today the homicide rates are three times higher than they were ten years ago (Presidencia de la Republica, 1991; Daza & Moreno, 1993). In 1991, they had the following impressive figures: 435 per 100000 inhabitants in Medellin, 389 in Itagui, 339 in Apartadó, 319 in Cartago, and 91 in Cali. The urban average was 92 homicides per 100 000 inhabitants (Daza & Moreno, 1993).

The justice system: impunity for homicides and sentences for drug-related crimes

The very inefficient and unjust functioning of the justice system in Brazil has played an important role in the crisis of morality and the weakening of the ethos of work, and allowed criminals to become entrenched in the country. An incredibly high percentage of homicides are not properly investigated and their authors never identified. A study of the Criminal Justice System in São Paulo (apud Adorno, 1990) has found greater percentages of conviction among those accused of robbery, theft and drug traffic than among those accused of homicide and assault. Another study done in 1991 revealed that only 1.38% of the homicides committed against children and adolescents up to 17 years old were effectively investigated, with the victims and the suspects identified, and transformed into police inquiries and judicial cases which resulted in sentences (Mesquita, 1996). In Rio de Janeiro, another study shows that 92% of the homicide judicial cases were returned to the police because they were poorly investigated; in other words, only 8% of the murders registered by the police under the form of an inquiry were in fact judged (Soares, 1993).

Youths receive, in their respective neighbourhoods and cities, the instruments of their power and pleasure from outsiders. This is increased by institutional working and the influence of values that rush them into the pursuit of sensations and money. Beyond any nexus of objective causality, even those which take place at the symbolic plane, some of these youths - but not all of them, even if submitted to the same conditions - “delegate to the world of the powers who seduce them to criminality” (Katz, 1988). In this internal arrangement, they act as authors of their actions. The limits to this space of freedom are set by the rapid changes, effects of many previous actions, in the family organization and sexual relationships as well as in the acceptance of values related to the consumption of “style”. All of them provoked what one could call either a diffuse social anomie or lack and confusion of social maps. Equally important are the rooting of organized crime in some institutions achieved through strategies of corruption, the unequal functioning of the justice system due to the organizational practices created and maintained by those working in it, besides the obsolete Penal Code that resulted from public policies adopted by Republican governments. Working together, all of
them created "islands of impunity", an expression conceived by Dahrendorf (1987) to refer to other countries.

One of the threads of this complex texture concerns, therefore, the Justice flux\textsuperscript{14}, the infra-structure of which is notably inefficient, due to the small number of judges per inhabitant in the cities or the amount of lawsuits in each "vara" of justice, as well as the small number of jurisdictions in each town. Consequently the flux is slow and full of obstacles, encouraging the use of bribes to administrative officers. This delays decisions and discourages the parties involved, especially the poorest, from exerting their constitutional rights. Convicts at the end of their sentence are the main victims and the most radical critics of this system, but the precarious state of the judiciary is also the cause for constant complaint on the part of lawyers and parties in the judicial cases. However, one cannot make generalisations on the functioning of the system, since slowing the decision of criminal cases can be one of the strategies of defence.

The biggest hindrance to the accomplishment of justice is found elsewhere. The impositions on the penal proceedings often hinder the judiciary and the public defence, either because of social discrimination against the accused with certain social characteristics or without family support, or because the accusation law is not sufficiently precise. This is the case of crimes related to drugs. Indeed the accusation law in one of the two articles of the Penal Code that deal with such crimes depends on the accepted ideas of the jurisdictional agents. In these crimes, the police investigators in the proceedings make decisions based on social factors about the choice of an article of the Code – use of drugs (article 16) or traffic (article 12) – since the language in which they are written is not precise and opens many possibilities of interpretation. This could happen at the moment of the supposedly criminal act, which becomes the Act of Prison in Flagrant (A.P.F.), or during the interaction with other actors who participate in the judicial process: judges, advocates, prosecutors, public defenders. Thus, the preconceptions, the tacit truths of a police station routine, the interpersonal conflicts and the moral fiber of the person who is accused appear as fundamental components of the judicial cases, and will be presented as "facts" during the trial.

Here resides the illusion of "easy money" that charms so many poor teenagers. The youngster who chooses the criminal career in fact enriches other people – who often are never caught and punished – but not himself. Those who become very wealthy are receivers of stolen goods, wholesale traffickers, smugglers of guns, corrupt policemen and finally criminal lawyers who charge up to US$10 000 to defend those accused of illegal drug use, and up to US$20 000 to defend those accused of trafficking.

According to the Law 6368, the use and commerce of certain substances, such as marijuana and cocaine, are considered a crime. This has given enormous power to the police. Policemen are the ones who supply the proof which, according to the interviews of several actors in the judicial cases (registered by the research done between 1991 and 1997\textsuperscript{15}), needs to be reaffirmed during the process as the main element for conviction.

\textsuperscript{14} Flux refers to the routes followed by several records involving criminal accusations to people inside the System of Justice, which starts with the Bulletin or Record of Occurrence (B.O. or R.O.), passes by the police inquiry that may or may not become a judicial denounce, that in its turn may or may not provoke the opening of a lawsuit, that will end either being judged or filed.

\textsuperscript{15} This research started in 1991 and focussed only on the articles 12 and 16 of the Brazilian Penal Code, the first of which refers to illegal drug traffic, and the second to use and possession of such drugs. The research team did it first at the rich municipality of Campinas, state of Sao Paulo, which had 907 995 inhabitants in 1996, attended by only
This material proof is the drug found in the possession of the defendant, and must necessarily be obtained in the act. Policemen perform the initial movements: the record of an A.P.F. and a B.O. that may result in a police inquiry, which in turn may be transformed into a charge and a lawsuit. During this flux, policemen prepare the written registers of the proofs that may be decisive in ascertaining who will be indicted for use or for traffic. Under article 16 of Law 6368, the penalty is six months to two years in prison that may be commuted to community work. Under article 12 of the same law, a "heinous" crime carries a penalty of three to fifteen years in prison. In order to show efficiency or to prove that they are not part of a scheme of corruption, policemen arrest mere users or small dealers (aviões). The amount of drugs seized is not the discriminating factor, for the researchers found cases classified as "possession and use" involving 1 860 kilos of marijuana, and cases classified as "traffic" involving only two grams.

The interviews with prosecutors and judges showed that there are many preconceived images associated with traffickers. Some people said explicitly: "one can tell a dealer by sight", or "one knows who is a trafficker and who is not". Others argued rationally that the quantity is not everything, since the stock may be at the end or at the beginning either for the user or the dealer. Therefore, they valued material proof other than the drugs: lists of names of possible customers or guns, which were found with the defendants. But, of course, one of the most important elements in the proceedings is the defendant's confession, which is first made in the presence of the Police Commissioner and which may be repeated later in the presence of a judge16.

According to the due process of law that prevails in Brazil, all the available evidence in the cases, even when solicited by judges - who have all the power to do so - or by prosecutors and lawyers, is provided by the police. This includes the A.P.F. and all other technical proofs. The first evidence usually includes the amount of drug the policeman said he found and his registered description of the apprehension after a personal search. During the inquiry and later, during the lawsuit, his testimony as to the conditions and the situation that generated the A.P.F. will also be heard and included in the proceedings. The defendant gives his testimony after the policeman. It is not unusual that, as a strategy recommended by his lawyer, he plead guilty of use in order to get a lesser penalty. If the lawyer is sufficiently able and knows policemen well enough, this confession is reinforced by the technical expert who provides a toxicological exam which confirms the defendant's dependency to the toxic substance. In this case, the defendant's culpability is erased. Consequently, the judiciary in most cases legitimises the discriminatory functioning of justice whereby poor users and small dealers, who are more closely watched by policemen according to the organizational practices still prevalent in the Brazilian Military Police and Civil Police stations, are qualified as criminals. Needless to say, they are usually people who do not have enough money or the right connections to obtain good lawyers. Their destination is the penitentiary.

16 Following article 200 of the Brazilian Penal Code, the confession during the police inquiry "will be divisible and retractable, without harm to the judge's free convincement, founded on the examination of the proof in its totality".
whenever they are condemned to privation of liberty. Meanwhile, money launders, medium and retail distributors of guns and illegal drugs are seldom condemned.

In the city of Campinas, State of São Paulo, the cases at criminal varas increased many times during the decade, be the charge use or traffic of illicit drugs. In 1991 there were four times more people charged than in 1981; this may be accounted for by an increase in use or as an effect of increased police surveillance. The figures for charges of use were systematically higher than the charges of traffic during those years, but the lawsuits against users increased much more at the end of the eighties. At the end of the ten years, there were twice as many people charged with illicit use as with trafficking.

In relation to gender, data revealed that men accused of using illicit drugs accounted for almost the double of those accused of trafficking at the end of the eighties. On the other hand, women, globally less numerous, were doubly accused of trafficking. In Rio de Janeiro, due to better data-collection and registering, during the mid-eighties there was a spectacular growth in the number of lawsuits on illicit drug use, which increased twofold between 1981 and 1986 (from 573 to 1099). In 1986 a repressive policy towards drug trafficking began. But in 1991, during the populist government of Leonel Brizola, the number of lawsuits fell to an even smaller figure (386). Trials related to traffic remained stable during the decade: from 640 lawsuits in 1981, to 603 in 1986, and 502 in 1991. In other words, excepting the year of 1991, lawsuits for use were always more numerous than those related to trafficking. Women had also been, except in 1986, prosecuted twice as often for trafficking, but their relative participation in this crime showed only a small growth during the decade (25%: from 46 lawsuits to 60). As regards to the crime of use committed by women, the increase during the decade had its peak in 1986 (76 lawsuits), when it tripled in relation to 1981 (25 lawsuits), and ended in 1991 with 46 actions.

The proportion of convictions also increased during the eighties in the city of Campinas. In 1981, 41% of those charged with trafficking were sentenced to prison; 58% of those charged with using illicit drugs met the same fate, although with much smaller penalties. In 1986, 69% of the alleged traffickers were convicted; 49% of the alleged users followed them to the same penal institutions. In 1991, 85% of traffickers and 62% of users were sent to prison. Therefore, less people were acquitted of the accusation of trafficking in all these years - in 1981, 33% were acquitted, whereas 7.8% were in 1991. The total number of those arrested and sent to prison represented an enormous increase: from 80 people in 1981 to 400 in 1991 (Ribeiro, 1994). The tremendous increase in lawsuits and condemnations occurred in a city that grew at an annual rate of 2.23% during the eighties, going from 664,559 inhabitants in 1980 to 846,084 in 1991 (Zaluar, 1995b).

In Rio de Janeiro, a city that grew even less (1.13%), condemnations followed a quite different flux, which also proves the importance of the judges’ and other actors’ subjectivity in the proceedings. In 1981, 15% of the men and 20% of the women were punished for using drugs, whereas in 1991 37% of men and 25% of the women were.

17 Recently (16/4/1995), the newspaper Folha de S. Paulo presented a research which confirmed that the feminine participation in offences grew from 10% in 1993 to 30% in 1995. This growth could be explained because prostitution became less well-paid due to the panic induced by AIDS and because there was a strategy of traffickers to involve women in the networks of the illegal drug trade since they were less suspicious. The lawsuits examined involved women who were the head of a family, with several children from different fathers, who sold dope, as they told the researchers "because they needed to" and not "for ambition", "like men did".
This fact reveals a bigger proportional growth in sentencing for men than for women. As for trafficking, convictions revealed that judges were more lenient with women at the beginning of the decade, when only 32% of the indicted women were sentenced to prison whereas 47% of the men were. In 1991, condemnations for trafficking had grown to 58% for women and 62% for men. (Nevertheless, this growth was significantly smaller than the one registered in Campinas). Furthermore 54% of those accused for trafficking and 84% of those indicted for use were acquitted or had their lawsuits filed in 1981, whereas respectively 38% and 63% in 1991 received no penalty whatsoever. In other words, the proportion of those condemned also grew during the decade, especially in the cases judged as crimes of traffic.

The age of the accused also varied. In 1981, 71% of those denounced for using illicit drugs were less than 25 years old; in 1986, 68%, in 1991, 47%. In 1981, 52% of them were acquitted, whereas in 1986, only 24% had that luck, and in 1991, only 10%. Trafficking was the charge for older men: only 25% of them were less than 25 years old in 1981 and 17% in 1991; 41% were between 26 and 30 years old. Among the women, the youngest and those not married (50% were between 18 and 25 years old, 3% more than 40 years old and 74.3% were single) tended to be more indicted for trafficking, whereas only 34.6% between 18 and 25 years old and 25.7% who were more than 40 years old were accused for use of drugs. Thus, in the case of women, there was a tendency to be lenient starting with the inquiry phase, not only because they were women but also because of family responsibilities. Nevertheless, in a predominantly white population, in which only 18.3% is classified officially as black or miscegenational, 50% of the accused were white and 50% were black or mestizos.

Although it is a fact – recognised by the judges, prosecutors, lawyers and public defenders interviewed by the research team – that users and traffickers come from all social classes, the indicted, whose professional qualification had been registered, on the whole had low paying occupations. In fact, 70% of them were bricklayers, low servicemen, drivers, domestic servants, cleaning women, manicures and prostitutes. The only exceptions to this were a few students and some rare professionals accused of using illicit drugs in 1986 and 1991. Yet, not all poor men and women have had the same destiny in these lawsuits. Those who worked for bigger and more powerful traffickers could have lawyers who would instruct their deposition and negotiate with others also implicated in the affair in order to decide who would “assume” the drug found in the A.P.F.

Despite the enormous repressive effort and the increased expenses, one cannot say that violence and crime have diminished in Campinas or Rio de Janeiro. On the contrary, in Campinas there was an amazing increase during the eighties in most crimes that are usually connected with drugs: theft tripled in four years; robbery had a 50% increase and the city acquired the reputation in the media of being a violent city. With its spectacular growth in the rate of homicides at the end of the last decade and during the nineties – almost reaching that of Rio de Janeiro –, it became perceived as a place in which children and adolescents were killed as much as in the big metropolises of Rio de Janeiro and São Paulo.

The interviews with judges, prosecutors, lawyers, public defenders and prisoners show the mechanisms that make the repressive effort useless or very inefficient. Drug users would not give the name of the dealers from whom they had bought the drug,
dealers and small traffickers would not reveal the names of their furnishing associates. They know that if they talk, they will be killed, even inside a prison. The dealers who are “inserted within the context” (insertos no contexto), that is, those who belong to a gang, have their lawyers paid by the trafficker who furnished them with the drug. They only say what has been previously agreed with the lawyer, who instructs the deposition (although this is not legal). The independent dealer, who does not have a stable association with a trafficker and, therefore, does not receive assistance from a private lawyer, does not denounce any of them for fear of being killed. He belongs to the category of those most often condemned because they depend on the few over-worked public defenders.

Depending on the Penal Code article, different elements affect a sentence: under article 16 (use of illicit drug) it is possible to pay bail and respond to the lawsuit while in liberty, whereas under article 12 (traffic of illicit drug) this is impossible. The former also has a shorter timespan for the conclusion of the case. Thus, it is not a surprise that during inquiry defendants confess to drug use and that the defence uses this as a strategy to obtain a minimum penalty for the defendant. According to prosecutors, the period of legal preventive imprisonment (limited to a maximum of three months) is insufficient for a thorough investigation which would include the examination of the defendant’s bank accounts and telephone calls. From their point of view, this makes it easy to manipulate the proceedings in the case of trafficking, since there is usually little and inconclusive material proof.

This is how judges in Campinas explain that there are more acquittals of traffickers than of users. A confession of use implies the user’s conviction. Traffickers, on the other hand, never confess to trafficking, even when found with sizeable quantities of drugs; the doubt remains because the material proofs are seldom clear about whether the amount reveals trafficking or consumption. Nevertheless, in the cities of Campinas and Rio de Janeiro, prosecutors and magistrates were often caught between the defendant’s words and the policeman’s report because material proofs often do not exist. In a few cases there is proof, such as telephone numbers and lists of quantities, which could refer to clients, guns or material for packing small amounts of drug. When material proofs are lacking and doubts remain, magistrates affirm that they had to stick to the policeman’s report, since “the words of a shantytown dweller could not deserve the same respect”. Thus, the credibility of the defence’s argument and the strength of the defendant’s confession are not the same for all. The poorer the defendant, the less believable his words are; this also applies to his witnesses when they are neighbours or colleagues. The poor defendants are thus doubly hindered: their testimonies do not convince the judge and they cannot hire a private lawyer to better impress the judge. The comparison between the criminal courts of Rio de Janeiro and Campinas indicated the permanence of tensions and incoherence in the judges’ practices. Equally, defendants confessed not because confession would be the “queen’s” proof, since it would confirm the judge’s moral certainty, but because it denoted penitence or understanding of wrongdoings and the will to repair them, as has been suggested by Kant de Lima (1989). In other words, they confessed in order to obtain lighter sentences.

During the symbolic construction of the inquiry and the lawsuit, the defendant passes through different stages in which his moral person is being “built”. Because the theme of drugs has strong moral and emotional overtones, this construction is also directed by the lawyer who calls witnesses to attest to the defendant’s moral integrity. But the
discourses (in Campinas) in fact transform the drug into a devilish thing. For a morally reliable person could not be involved with such a diabolic substance. On the other hand, in Rio de Janeiro, preconceived ideas about favelas and the stigma of being the site of trading points for illegal drugs, make it much more arduous to defend someone who lives there. This is true even when a person is caught with very small amounts of drug and accused of trafficking. However, in both cities, if the defence convinces the judge that the accused is a working man, or someone who has sufficient schooling and moral reliability, then he may be pardoned. According to some judges, this would only happen if there is doubt about the material proof, which in fact is most often the case. Nevertheless, they admit that when defining the time to be spent in prison the kind of drug and the amount apprehended are not as important as the defendant's reputation. As one judge said in Rio de Janeiro: “First I seek to know where the accused lives and what he does for a living”. For others, the most important element are the circumstances in which he was arrested as told by the policeman who detained him.

Despite the efforts implemented by the Public Attorney and others who freely attend poor defendants, there is not yet an egalitarian justice in Brazil. Crucial differences still exist between those who can pay for private lawyers and those who can only count on an overworked public attorney in the Criminal Justice system. Data from the research done in 1991 in the city of Rio de Janeiro indicate that this is one of the main factors concerning the results of traffic cases. Condemnation, acquittal or classifying vary according to whether the defence is done by a private lawyer or by a public attorney. The statistics relative to the lawsuits reveal that amongst those denounced for trafficking, 57% of those who had a private lawyer (106 cases) were convicted, whereas 68% of those who were assisted by a public defender (85 cases) got a prison setentence as well. This percentil difference was even bigger for black and mestizo defendants: 55.56% of 63 cases defended by lawyers for 78.85% of 52 cases defended by datives. For whites, the proportion was not so great: 60.47% of 43 cases defended by lawyers against 51.5% of 33 cases defended by natives. As far as the use of drugs was concerned, 29.5% of those defended by lawyers were condemned and 41.86% of those assisted by public attorneys. However, under this article of the Penal Code there were no big inconsistencies when the defendant's colour is correlated with the lawsuit outcome. Amongst blacks and mestizos, 46% of those assisted by public attorneys were sent to prison and 6% had their actions filed, whereas 50% of those defended by lawyers had the same outcome. Amongst whites, 37.5% of those defended by datives were condemned and 39% had their lawsuits filed, whereas 69% of those assisted by lawyers were acquitted and 3.7% had their cases filed.

These discrepancies relative to the condition of defence should be combined with other recorded differences between the defendants, such as gender and colour of skin, which revealed more clemency towards specific groups: women and people officially classified as whites. Such discriminations are found in crimes that are considered more serious and consequently have heavier penalties. Among those accused of use, 65% were classified as whites, whereas 35% were blacks and mestizos; amongst those accused of traffic, 60% were classified as blacks and mestizos, whereas 40% were whites. As far as condemnations for use were concerned, whites were 6% more numerous than blacks and mestizos (56% for 44% respectively); as far as sentences of traffic were concerned, blacks and mestizos had a higher percentage than the whites by 26% (63% for 37%). Amongst those pardoned, the variations were 56% of whites, 44% of blacks and mestizos tried for using drugs; 55% of blacks and mestizos and
45% of whites tried for trafficking, explained by the fact that 20% more blacks and mestizos were sued for trafficking.

In the work methods of the Brazilian Criminal Justice, constitutionally based on equality, one finds substantive modes of arguing that are engendered after the justification of demands for justice and its evaluation. In these arguments, notions of honour, trust and reputation — nonmaterial and non-market goods that are not controlled by the State — are invoked during judicial disputes. These, in turn, rely on the previous arrangement (or instruction) that the private lawyer has had with his client, as well as on the images associated with gender and colour. Thus, the gulf between the letter of the law and judicial practice calls for a public discussion on evaluating the criteria and rules of such practices and written codes.
Bibliography

CALDEIRA, Teresa P. City of Walls, tese de doutorado, Berkeley, 1992.
FATELA, Józio. 0 Sangue e a Rua, Publicações D. Quixote, Lisboa, 1989.
RIBEIRO, Alexandre I. A questão do tráfico e do uso indevido de entorpecentes, monografia de final de curso, UNICAMP, IFCH, Campinas, mimeo, 1994.
SCHIRAY, Michel. "Les filières- stupéfiants: trois niveaux, cinq logiques",