POLICING BLACK BODIES: RACIST SOCIAL CONTROL IN DIFFERENT POLITICAL PERIODS OF THE BRAZILIAN HISTORY

POLICIANDO CORPOS NEGROS: CONTROLE SOCIAL RACISTA EM DIFERENTES PERÍODOS POLÍTICOS DA HISTÓRIA BRASILEIRA

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Resumo: De modo introdutório e condensado, o artigo analisa aspectos importantes das políticas de controle social direcionadas aos corpos negros no Brasil. Dividido em diferentes momentos históricos, o estudo ressaltou a diferença entre discursos e práticas no contexto de políticas criminais. Utilizou-se de uma revisão bibliográfica crítica para examinar as múltiplas estratégias de repressão e criminalização que desproporcionalmente afligem a população negra ao longo da história. A investigação demonstrou que houve uma mudança de retórica referente a criminalização explícita de grupos racializados no início do século XX; apesar disso, persistiram formas de controle social desiguais.

Palavras-chave: racismo; controle social; criminologia brasileira.

Abstract: In an introductory and condensed approach, the article analyzes essential features of social control policies directed to black bodies in Brazil. Divided into different historical periods, the study highlighted the discrepancy between discourses and practices in the context of criminal policies. The author used a critical literature review to examine the multiple strategies of repression and criminalization that disproportionally target the black population throughout history. The investigation suggested a rhetorical shift concerning the explicit criminalization of racialized groups in the early 20th century; nonetheless, unequal strategies of social control persisted.

Keywords: racism; social control; Brazilian criminology.

INTRODUCTION

In 2018, during a speech at about the underdevelopment of Brazil, the candidate to the position of vice-president, general Hamilton Mourão asserted that the country needed to improve its populational stock. In his perspective, Indians were lazy, blacks deceitful, and Portuguese spoilt (ANDERSON, 2019, p. 180). According to him, these traits are the historical legacy of the peoples that formed the contemporary Brazilian society—and they are obstacles in the way of achieving the status of a developed nation.

Putting the racist content of general Mourão's words to the side, it is possible to analyze in his remark a particular conception about Brazilian society. He may not have noticed, but when he stated that Indigenous peoples, blacks, and Portuguese constituted the Brazilian

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people, he was referring to Gilberto Freyre's (1987) theory. Freyre was the sociologist that consolidated the notion of Brazil as a "racial democracy." According to him, the legacy of the Portuguese colonization of Brazil was the miscegenation of the three mentioned races, resulting in a unique and tolerant society. Since the population had a mixed racial origin, racism did not exist.

Freyre's analysis, however, was not empirical and did not represent the reality of Brazil. Racism existed, and the assumed racial harmony was a gross distortion of the social dynamics (FERNANDES, 2008; SCHWARCZ, 2019, p. 17–18). Colonial exploitation and the slavery system left a legacy of social inequity that had reflexes in the twentieth century. Brazil was and still is profoundly unequal, and racism is a relevant factor for his phenomenon.

There are multiple ways to analyze racism and its effects on Brazilian history. One, in particular, is to look at how it affected social control and the State's responses to criminality. Governments can use "crime" as a way to interfere in society, that is, as a tool of governmentality (see ROSE; O'MALLEY; VALVERDE, 2006; SIMON, 2009). Through this strategy, crime becomes a social problem that needs to be governed, which legitimizes the State to adopt measures against it. As crime and violence are often associated, responses to crime tend to take a reactive approach, usually operated through the repressive state apparatuses (see ALTHUSSER, 2001)—institutions that execute the function of direct control and power over the citizens. Therefore, by examining how the State strategically employed crime and crime repression throughout its history, we can analyze the effects of direct repression and restriction of rights experienced by the population.

This paper will explore how the Brazilian State controlled the black social groups in its territory. I will correlate the dynamics of social control with the political history of Brazil. Political and social changes influenced the strategies and discourses articulated by the ruling class. Consequentially, the mechanisms of governmentality also went through transformations, adjusting to the needs of their times.

As can be expected, racist conceptions of society impact the goals and methods of social control. Slavery and scientific theories that justified racial hierarchy influenced the State's repressive interventions. At first, when slavery was active, the premise of the inferior social status of blacks was a factor that legitimized its constant control. After the abolition of slavery, the State was forced to abandon explicitly racist discourses. However, new theories were available for that purpose, reformulating a racially-biased social control in other terms.

In this paper, I examined the transformation of social control of the Brazilian black population according to the political changes in the country's history, which I did through a

literature review. Some crucial moments marked these changes: the colonial independence from Portugal in 1822, the abolition of slavery in 1888, and the military coup that established a republican regime in 1889. My temporal framework extends from the Portuguese official arrival in America, in 1500, to the contemporary period.

1 SLAVERY AND CRIMINAL CONTROL IN THE COLONIAL CONTEXT

According to the Puerto Rican sociologist Ramón Grosfoguel (2002, p. 210), the colonial system established by Spain and Portugal in the Americas was intrinsically based on racial differentiation. In the period the author called First Modernity (from 1492 to 1650), race—or rather what was historically constructed as race—was a determinant element of social differentiation. The prelude for the Spanish Age of Exploration, for example, was the expulsion of Arabs and Jews from their claimed territory in the name of blood purity, creating thus racial borders between Europeans (white) and non-Europeans (others). As these racial categories were created, they were also inscribed in the international division of labour. Hence, the colonial system was built upon the exploitation of work (mostly physical work) of racialized people, primarily through the regime of slavery. The first form of policing racialized subjects in the colonies aimed, thus, the maintenance of this labour hierarchy.

Brazil, in this regard, took the tendency to the extreme. In the sixteenth and seventeenth centuries, the Portuguese empire had already access to African slave markets and had used them in their Atlantic islands and their colonization of Africa and Asia (KLEIN; LUNA, 2010, p. 21). They turned toward African workers when they decided to exploit their American colony. The sugar plantations that flourished in the Northeast coast in the 16th century were highly dependent on slavery (FAUSTO; FAUSTO, 2014, p. 34). Most slaves worked in the fields, harvesting the sugar-cane. The most exhausting and dangerous jobs, such as working at the mills or around ovens and kettles, were reserved as punishment for slaves who rebelled (p. 36–37). The self-purchase of freedom was possible and was more often achieved in Brazil than in other American nations (CHALHOUB, 2011, p. 406; see also KLEIN; LUNA, 2010, p. 191–192). However, freed slaves and their descendants experienced a very precarious situation in a society where slavery still existed. Even after acquiring freedom, they were still policed and kept under surveillance. For example, Chalhoub (2011) reported cases of illegal enslavement of free people of colour, as well as police profiling and arrest for suspicion of being runaway slaves.

To protect the economic regime, local elites created special instruments of insurgency suppression. They consisted of repressive legislation, recruitment of militias, and torture houses

(FLAUZINA, 2017, p. 61–62). The explicit goal of this repressive apparatus was to curtail and to inhibit any form of resistance to slavery. In urban centers, polices played the role of "urban overseers," keeping constant vigilance over blacks and responding violently to any manifestation of breach of social norms (ALGRANTI, 1988). These officers were also responsible for castigating slaves at the request of their masters or complying with a sentence issued by criminal courts (BROWN, 2000, p. 96). Hence, these punishments intermingled the private and public realm, manifesting the symbolic authority of the master and the State at the same time.

Corporal violence was the rule for disciplining slaves. Flogging was a recurrent punitive sentence for acts committed by slaves (MACHADO, 2014, p. 39–40; SCHWARCZ, 2019, p. 29). Until 1830, flogging was performed publicly in whipping poles (pillories) displaced in central areas of the cities (BEATTIE, 2005, p. 44; BROWN, 2000, p. 103). Authorities administered the punishment as a spectacle, in plain sight of the public, as a way to "send a message" of the master's dominance.

Nonetheless, they also performed a latent function: enforcing subjectivities and social norms compatible with the ruling system. The exercise of power, thus, was not restricted to its repressive operation, but also its productive aspect, that is, the production of docile and governable bodies (FLAUZINA, 2017, p. 57; FOUCAULT, 1995, p. 137–138). In other words, the goal of these institutions administered by the colonial government was to direct human behaviour and their collective activity (see ROSE; O'MALLEY; VALVERDE, 2006, p. 87–89). That objective was pursued through the articulation of racist discursive formations that interiorized subjugation and inferiority of blackness (FLAUZINA, 2017, p. 62).

Brazil's political independence from Portugal in 1822 did not represent the end of slavery. The independence act, supported by the elites of Rio de Janeiro, was carried through by the Portuguese prince regent, who was later crowned the emperor, establishing a monarchic regime of government (FAUSTO; FAUSTO, 2014, p. 72) Despite no longer being a colony, the newly independent nation of Brazil persisted with the slavery as the driving force of its economic regime. Not even the international pressure—especially from Britain, who was interested in Brazil's insertion in the global capitalist order as a peripherical nation—was enough to convince the ruling elites to abandon this labour system (p. 75–76). Even after the hegemonic decline of the sugar economy, elites saw slave work as necessary for the country's growth (KLEIN; LUNA, 2010, p. 37–39).

Despite the continuity of slavery, the political and social changes affected the exercise of punitive power and social control over blacks—regardless of their status of slaves or free

men and women. After the Haitian revolution in 1791, the white elite became uneasy with the possibility of something similar happening in Brazil. In 1835, the Malês revolt burst in the city of Salvador. Black Muslims, both slaves and free men, confronted the police in the streets with firearms (KLEIN; LUNA, 2010, p. 209–210). Although it lasted only one night, the episode had a significant impact on the spirit of the wealthy classes. They feared the collapse of order and the emergence of anarchy (BEATTIE, 2005, p. 43). They demanded a more active stance concerning public order from the federal government. In response, lawmakers passed laws that centralized the mechanisms of control and enacted a more repressive criminal legislation. The federal government abandoned its project of building a liberal political apparatus with the influence of European enlightenment and turned towards an authoritarian police state (FLAUZINA, 2017, p. 67). The Congress approved, for example, the death penalty for slaves convicted of killing her or his master or an owner's family (BEATTIE, 2009, p. 16). It was a response to the Malês uprising and attempted to perform exemplary punishment for other conspirators. Additionally, the police forces, previously dispersed and controlled by local judicial authorities, were unified under the federal command (BROWN, 2000, p. 96–102). The effort to establish a centralized administrative power was coherent with the Emperor's intention of consolidating Brazil as a unified "nation" with a stable government.

Moreover, the first half of the nineteenth century marked a transformation of Brazilian society towards urbanization. The discovery of gold in the central region and e growth of cities, people gathered around strategic economic centers. Due to the population density and the architecture of the cities, it became harder for masters to keep slaves under surveillance. Blacks represented a significant percentage of the urban population. Rio de Janeiro, for example, was regarded internationally as an African city (BATISTA, 2009, p. 129). Responding to that phenomenon, the governance of the subaltern population transitioned from private to public mechanisms of social control. The tension of a slave revolt and the deposition of the white supremacy system legitimized the establishment of a more repressive approach in regards to social control of the black population (FLAUZINA, 2017, p. 68).

The government enacted laws that explicitly discriminated blacks—slaves or not—and whites, restricting even more liberties of the formers (FLAUZINA, 2017, p. 68–70). Some examples, in the federal level, are the 1829 decree that demanded that slaves carried at every moment an identity card signed by their masters; the constitutional prohibition of African religious and cultural manifestation; the 1830 Criminal Code that criminalized vagrancy—an act discriminatory against black people, who struggled with prejudice, unemployment, lack of leisure time, and affordable housing. Through these examples, it is possible to notice that the

imperial social governmentality intended to delimit the space, time, and nature of activities that blacks could engage with. The state took the responsibility of directly tutoring the black population, interfering with aspects of their routine (ibid.). Moreover, some cultural and traditional elements that were once prohibited—samba, capoeira, candomblé, Carnaval, and many others—were reclaimed as important for the constitution of black cultural identity in contemporary times (PINHO, 2010, p. 166).

These hardline criminal policies, however, were not so well received for the overall population. The brutality and cruelty of the punishment discomforted the public, who sometimes empathized with the convicts (BROWN, 2000, p. 102). Consequentially, some politicians worried corporal punishment could arouse public uprisings. Simultaneously, Brazil was also attempting to make a way in the international community of nations, trying to forge the image of a modern liberal State. However, the maintenance of slavery and the harsh treatment towards the black population undermined its intention of being regarded as a "civilized" and rational society (BEATTIE, 2009, p. 46).

This discontent with corporal castigation led to legal changes in the nineteenth century. First, the 1824 Constitution and the 1830 Criminal Code banned public authorities of using whips, torturing, or committing other forms of cruel punishment for free citizens (BEATTIE, 2009, p. 14; FLAUZINA, 2017, p. 67; KLEIN; LUNA, 2010, p. 191). That safeguard extended to slaves in 1886. Nonetheless, that did not prevent these forms of discipline in the private realm or the military context (BEATTIE, 2005, p. 44; BROWN, 2000, p. 100–102). The flogging of slaves also persisted inside prisons and houses of correction. Moreover, death sentence, despite legal, was rarely executed. The law granted the Emperor the power to overturn such convictions (BEATTIE, 2009, p. 16), often commuting them into long-term imprisonment with harsh labour—which he frequently did, aiming to appeal to the other nations' eyes (p. 18).

As a result, the social context demanded a transformation in the forms of punishment and social control: from a public spectacle inflicted on the body to hidden and isolated seclusion. However, this shift did not represent a complete transition from a sovereign to a disciplinary society, as in Foucault's (1995) analysis of modern European nations. As mentioned, corporal punishment was still the basis of slave punishment. Additionally, lawmakers did not believe in the slaves' capacity to rehabilitate, change their behaviour, and reintegrate themselves into society (BROWN, 2000, p. 105). For some, imprisonment meant for slaves n opportunity for indulging their vices of drunkenness and laziness (BEATTIE, 2005, p. 45).

For this reason, courts reserved them sentences of galés perpétuas, that is, life sentences combined with work. The labour component of punishment aimed at re-educating them through the discipline of production. However, differently from the European perspective of prison labour (see MELOSSI; PAVARINI, 2018), slave's work in prisons had no intention of ascribing them the values of a free urban proletarian in an industrial capitalist society. Instead, it combined the goals of education, social segregation, and physical punishment. It created a disciplinary apparatus of justice with sovereign contours. To illustrate, the Brazilian prisons during the Empire regime consisted of a hybrid of modern and colonial systems by mixing physical castigation, the use of iron shackles, torture, constant vigilance, and isolation (BEATTIE, 2009, p. 20; JEAN, 2017).

This process reveals the contradiction of the Brazilian attempt to adopt a modern and rational criminal justice system. On the one hand, it banned public exhibitions of flogging and rarely sentenced its people to death; on the other, slavery persisted and forced Brazil to adopt a different legal approach to its black population. It implied, therefore, a clash with liberal values of equality before the law, penal rehabilitation, limitation of the State's punitive power, and uniform sentencing (BEATTIE, 2009, p. 12; FLAUZINA, 2017, p. 66) In the words of Alexandra Brown:

> Brazilian elites worked to conciliate the irreconcilable. The more they tried to convince themselves that their slave system operated within limits of civilization and humanity, the more they drew into question the continued existence of that same labor system. Slavery and civilized society were at their essence diametrically opposed. (BROWN, 2000, p. 112)

The growth of the abolitionism mobilization in Europe and North America forced Brazil to end the Atlantic slave trade in 1850 (KLEIN; LUNA, 2010, p. 302–303). In association with an internal abolitionist movement, that fomented riots throughout the country, the Brazilian Emperor was forced to declare slavery abolished in 1888 (p. 310). The elite had an expectation of the gradual emancipation of slaves and compensation to the owner for their property loss. However, abolition did not attend their desires, which escalated the tensions between them and the federal government. That, alongside with other internal political processes, led to a military coup in 1889 that deposed the monarchy and proclaimed a republic (FAUSTO; FAUSTO, 2014, p. 136–137).

2 THE END OF RACISM? SOCIAL CONTROL OF BLACKNESS IN REPUBLICAN AND DICTATORIAL GOVERNMENTS

During the colonial and monarchic regime, the policing of blackness could not be conceived without considering the element of slavery. The slave system implied in an insuperable hierarchic division between slaves and masters, blacks and whites. Consequentially, repression was harsher to those that were in a position of obedience and submission. The social control of the black population was, therefore, explicitly racist.

That situation changed after the proclamation of a republican government in 1889. With the abolition of slavery, it was necessary to change the discourse that legitimized the exercise of punitive power, to move from the explicit racism of the past to a more "neutral" legitimization—but still maintaining the colour discrimination in the practice of criminalization (FLAUZINA, 2017, p. 81).

Aiming to strengthen the sense of nationalism and to consolidate the coup that put the military in the office, the heads of the government needed to rewrite history (SCHWARCZ, 2019, p. 16). Bavarian naturalist Karl von Martius was the author of this new narrative. He proposed the idea of a unique and harmonious social integration of Brazilian society. According to him, Brazil was formed by the miscegenation of the three human races: white, black, and Indigenous. He disregarded, however, the historical structural violence and oppression inflicted on the last two people by the hands of the first.

Despite being closer to fiction, this version of Brazilian history became the official discourse of the federal government. The black contribution to the national identity also resonated with the rise of cultural anthropology at the beginning of the twentieth century (KLEIN; LUNA, 2010, p. 318–319). Brazilian sociologist Gilberto Freyre was the main representative of this analytical approach in the country. In his book "The Masters and the Slaves" (FREYRE; MAYBURY-LEWIS, 1987) defended the idea that slavery in Brazil was softer than in other parts of America. According to him, that phenomenon can be observed in the racial mixture that generated its society. Different from the United States, Brazil embraced miscegenation and did not uphold the territorial segregation of its people of colour. Based on that theses, Freyre argued that 1920s Brazil was a "racial democracy," representing an example of a racially tolerant society to the world (SCHWARCZ, 2019, p. 17). Freyre's theory was used as the Brazilian State propaganda and, on what concerns the Portuguese temperate colonization, was also adopted by Portugal in their administration of colonial territories in the early twentieth century.

In contrast, Marxist sociologist Florestan Fernandes (2008) exposed the fallacy contained in the myth of racial democracy. According to him, it is not possible to speak in a peaceful coexistence between races when blacks live under a structural situation of socio-

economic inequality (p. 305–306). The legal status of equality obtained in the republican government did not imply a material improvement for the black people (p. 310). The federal government did not promote any policy of integration for the freed slaves, who had to struggle to make a living as for themselves (SCHWARCZ, 2019, p. 30) The illusion of a racial democracy in Brazil was useful for the ruling class to form a false consciousness of reality and, thus, mitigating social conflicts regarding race. Based on this rhetoric, Brazilian society opted for denying and naturalizing the social consequences of slavery rather than addressing them (p. 18).

The first symbolic blow in this direction is credited to the Minister Rui Barbosa. Aiming to erase the remnants of history, Barbosa ordered the burn of documents, records, and archives concerning the slave trade and slavery (see PREUSS, 2012).

Even under the premise of new governmentality guided by the principle of non-discrimination, social control in the early years of republic still targeted blacks and other subaltern social groups. The criminalization did not rely anymore on categorical racial hierarchies, but its material aspect still operated a social division between criminalizable and non-criminalizable individuals. In other words, social control spotted the most marginalized classes and individuals seen as dangerous.

Social stereotypes enforced by popular culture portrayed blacks as lazy, vagrant, and prone to deviance (FLAUZINA, 2017, p. 84). In contrast, white workers—many of them newcomers European immigrants—enjoyed different esteem: they were regarded as prosperous, hardworking, educated, and the economic driving force of the nation. This racist gaze legitimized different approaches from public security institutions (AZEVEDO, 2006, p. 156).

At the same time, deterministic anthropological theories such as racial Darwinism gained popularity in the first decades of the twentieth century. They consisted of scientific analyzes that classified individuals according to biological traits and phenotypes. Specific characteristics were assumed to be natural to certain individuals, transmitted to them through genetics or blood (PINHO, 2010, p. 155–156). The race was a relevant category for this theoretical approach. In this regard, according to some perspectives, racialized people, blacks, in particular, were associated with irrationality, bodily practices, vices, and nature (FANON, 2008, p. 84, 96–97). In light of these theories, blacks were considered inferior by essence, and the hierarchical dominance of the white race was a natural fact. After the second half of the century, such theories about race were discredited and revelled to be anti-scientific (PINHO, 2010, p. 172). However, they persisted alive and popular in the public's imagination and culture

(SCHWARCZ, 2019, p. 35). Concepts such as "social race" are still relevant and influence one's perception in the eye of others.

The rationale of punishment, therefore, had different purposes for the different social groups. For whites, social control aimed at enforcing the discipline of work and the proletarian values, while for blacks, it intended solely at retaliation and incapacitation (FLAUZINA, 2017, p. 86). Blacks still faced the stigma of being a threat to the established social order, and blackness was an indicator of one's dangerousness.

Positivistic criminology played a role as the scientific discourse that legitimized the inequal repression of social groups. Based on the mentioned social and racial Darwinism and works of Italian criminologist Lombroso, Brazilian criminologists developed a knowledge that attributed social behaviour and temperament to external characteristics. The most influential author was Nina Rodrigues, who argued in favour of the inferiority of blackness and the inability of black people to respect the public morality, deserving thus more rigid monitoring (GOES, 2016). Institutions of social control—police departments, carceral facilities, detention centers for the youth, mental asylums, among others—adopted that understanding and trained its officers in this perspective (FLAUZINA, 2017, p. 86–87). Thus, informally, the operation of criminalization did not eliminate its racist components and differentiation of treatment for different groups.

However, the official discourse tried at all costs to abandon its discriminatory language. The 1940 Criminal Code illustrates this tendency. A committee of specialists drafted the Code, writing a text that is intended to express an advanced legal technique. The committee removed all mentions of race that could promote an inequitable treatment in the eyes of the law. For this reason, the Criminal Code is coherent with the efforts of adopting the ideals of racial democracy to legislation and public institutions (FLAUZINA, 2017, p. 89).

Despite being based on a "neutral" criminalization, the Criminal Code did not stop racist approaches by police and other officers of the criminal justice apparatus. Race is an important social marker that determines one's chance of being halted, jailed, or killed by the police (SCHWARCZ, 2019, p. 39).

The military dictatorship that lasted from 1964 to 1985 explored the limits of the State's punitive power. Illegal arrests, torture, execution, and disappearances were instruments adopted by the regime to scare its political enemies—not only political parties, activists, unions, and paramilitary guerillas, but also social movements, indigenous people, and black associations. Differently from what was seen through history, however, race was not the main element that influenced the state's repression (FLAUZINA, 2017, p. 95–96). The State of

Exception, established in 1967, allowed the government to take any necessary action against those that threaten the nation's stability. The uncontrolled violence of the repressive state apparatus also aimed at white people, including white intellectuals and the elite. The re-democratization of Brazil meant for many the end of these authoritarian times; however, for many, the political transition did not represent a significant rupture in terms of social control for racialized people.

3 DEMOCRACY FOR SOME, PUNISHMENT FOR OTHERS: AN OVERVIEW OF RACIALIZED SOCIAL CONTROL IN THE NEOLIBERAL ERA

The transition from the military dictatorship to a democratic and republican regime brought forward a new political moment to the country, which also altered the crime control policies. In the late 1980s, Brazil implemented a progressive neoliberal agenda (RAMÍREZ, 2019, p. 128–129; SAAD-FILHO; MORAIS, 2018, p. 55). This movement undermined all hopes of developing a national industry and a public welfare system in favour of the international financialization of its market (see also GALEANO, 1997). Unemployment and informal work grew, while most cities experienced unplanned urbanization. Brazil saw the emergence of a mass of socially excluded citizens (FLAUZINA, 2017, p. 99–100), to which the government could not assist due to the privatization of its public services. Class conflict, street violence, and criminality rose in the 1990s. In response, the government did not opt for expanding social assistance; instead, it used its punitive arm to fight violence with state-sanctioned violence (AZZI, 2017, p. 592; WACQUANT, 2003, p. 198–199, 2009). The militarized police—sometimes in cooperation with the army—fought to establish control over marginalized urban territories. Once there, they brought instability and fear to the residents, installed surveillance apparatuses, and enforced an authoritarian social control that resulted in the militarization of these territories (LARKINS, 2015, p. 60; WACQUANT, 2008). The election of the Workers' Party to the government in 2002 represented a moment of hope for change in many aspects of the government, including public security. However, aiming to appeal to public opinion, the government did not make any significant move regarding this agenda (MELLO, 2015, p. 83).

The war on drugs was an essential element in this fight for public security. Media and government used racists and classists stereotypes to characterize the poor and black people as "dangerous" (CASTRO, 2015, p. 201–202). In the name of the combat against these enemies, the State adopted a warfare logic, investing in modern weapons and heavily trained personnel (BATISTA, 2009; ZAFFARONNI, 2007).

The recent intensification of the "war on crime" in last years aggravated two significant problems of public security that already existed in Brazil. First is the use of lethal power by police and security forces. Humans Rights Watch (2018) reported that militarized interventions acting on the pretext of "war on drugs" increased the number of shootouts and deaths. In 2017, 5,144 people were killed by police officers. Amnesty International (2018, p. 99) also warned about the increasing number of civilian deaths resulting from police operation. Second is the excessive use of imprisonment. In 2016, Brazil surpassed Russia, becoming the country with the third-largest prison population (CONECTAS HUMAN RIGHTS, 2017; WORLD PRISON BRIEF, 2019). The carceral institutions are overcrowded and understaffed, making it impossible for prison authorities to uphold the safety and health condition of inmates. 40% of prisoners are pre-trial detainees, and 65% are imprisoned for non-violent crimes—mostly theft and drug trafficking (CONECTAS HUMAN RIGHTS, 2017).

The intensification of police repression and mass incarceration are two symptoms of the Brazilian agenda for public security. This warfare approach, however, is not as neutral as it tries to appear. Loïc Wacquant (2008, p. 61) argued that black people are the most targeted group by military interventions. Most police incursions happen in urban ghettos, territories where most of the population is black. Also, the mediatic exposition of the "criminal" stereotype televises the face of young black men (CASTRO, 2015). These are only some examples that demonstrate how the modern criminal justice system perpetuates a racially biased social control, inflicting unequal punishment to racialized people. Although the official discourse professes a neutral and unbiased response to criminality, the reality shows otherwise. Blacks are overrepresented in the prison population (MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA, 2017) and as victims of police intervention (CANO, 2010).

By not assuming its responsibility for the disproportionate distribution of punishment in the context of widespread extrajudicial killings, the Brazilian State is neglecting its population. Under the premise of a colour-blind reaction to crime, Brazil is, in reality, endorsing a colour evasive public security (ANNAMMA; JACKSON; MORRISON, 2017). In other words, the State is not addressing the social inequalities that oppress blacks and other racialized groups, ignoring the discriminative effects of its policies.

Ultimately, Brazil is sustaining a necropolitical regime. For Achille Mbembe (2003, p. 11–13), the concept of necropolitics means the expression of sovereign rule over the life and death of its citizens. In a necropolitical State, the government's power allows the material destruction of human populations by sabotaging its infrastructure and subjecting them to a constant state of terror. States employ new technologies and apparatuses of social control

against marginalized groups, whose lives are relativized in the name of public security. When international reports warn about the genocide of the black marginal population perpetrated by police and military forces (AMNESTY INTERNATIONAL, 2018; HUMAN RIGHTS WATCH, 2018; see also SCHWARCZ, 2019, p. 30; BATISTA, 2009), they are also warning about the necropolitical aspects of the Brazilian State.

The new democracy and its neoliberal feature, thus, inaugurated new forms of policing the racialized population. In this regime, social control articulates a colour evasive discourse with the disproportional targeting of racialized individuals. Besides this discrepancy between action and rhetoric, there persists a political contradiction: a government that claims to itself a democratic status while ignoring its racist bias in terms of social control.

CONCLUSION

The examination of the history of Brazil in regards to the mechanisms of social control seems to confirm Grosfoguel's thesis (2002): that the political independence of colonized nations does not necessarily imply in the decolonization of its political practices. Brazil's independence in 1822 and the establishment of a republican government in 1889 did not suppress the racist social control put into practice by public security institutions. The discourse did transform over time, from an explicit to an implicit defence of racial hierarchies. Still, the race was always an element that determined one's treatment in the criminal justice system.

The surveillance and punishment of black people in the years that slavery was active had the goal of preserving this economic system. The constant state of fear justified the surveillance of black individuals and their brutal punishment when they violated social norms and laws. This approach aimed to secure public order in the streets and the private realm. Notwithstanding, it also intended to internalize discipline in the slaves' minds and to reinforce their submission in the social hierarchy.

During the Empire, repression increased as a response to the state of fear and the occurrence of uprisings throughout the country. Lawmakers enacted more punitive laws, and the government centralized its security agencies. However, internal and international pressure forced the Empire to step back and reconsider the brutality of its punishments. Public spectacles of punishment migrated to sanctions within prison walls or in private spaces.

Finally, after the abolition of slavery and the proclamation of a republican government, the discourse that supported inequal criminalization had to be reformulated. Laws had to be coherent to the official narrative of the racial democracy, which implied the rejection of any discriminatory instrument. Nonetheless, criminalization based on race persisted.

The framework explored in this paper covered different moments of Brazilian history: Brazilian colonial regime, empire, first republic, and the political turmoil of the mid-late 20th century—a fractured succession of oligarchies, republics, and dictatorships. The political period characterized by "re-democratization" introduces a new challenge to criminologists and sociologists. With the advent of neoliberalism, the policy of social control became more intense and sophisticated. The issues of mass incarceration, technological surveillance, and police lethality are consequences of this new agenda of public security.

Angela Davis (2003, p. 31–34) argued that there is a symbolic continuity from slavery to imprisonment. When slavery was abolished in the United States, the government turned towards prisons to enforce discipline over the freed population. A similar phenomenon happened in Brazil, as discussed above: the end of the slave regime and the private control of black bodies coincided with the constant surveillance and punishment exerted by the State. Historically and until today, policies of crime repression are disproportionally inflicted over racialized bodies, black bodies in particular. A racially-biased criminal justice system, more than a contradiction for liberal conceptions of power, is an obstacle to a fully democratic society (DAVIS, 2005). To achieve that egalitarian utopia, it essential to acknowledge the problem and to adopt strategies that tackle the root causes of the issue: racial inequality and systemic racism.

REFERENCES

ALGRANTI, L. M. **O feitor ausente:** estudo sobre a escravidão urbana no Rio de Janeiro. [s.l.] Vozes, 1988.

ALTHUSSER, L. **Lenin and Philosophy and Other Essays**. New York: Monthly Review Press, 2001.

AMNESTY INTERNATIONAL. **Amnesty International Report 2017/2018:** the state of the world's human rights. Place of publication not identified: Amnesty International UK, 2018.

ANDERSON, P. **Brazil Apart: 1964-2019**. [s.l.] Verso Books, 2019.

ANNAMMA, S. A.; JACKSON, D. D.; MORRISON, D. Conceptualizing color-evasiveness: using dis/ability critical race theory to expand a color-blind racial ideology in education and society. **Race Ethnicity and Education**, v. 20, n. 2, p. 147–162, 4 mar. 2017.

AZEVEDO, C. M. M. D. **Onda Negra, Medo Branco**. 3. ed. São Paulo, SP, Brasil: Annablume, 2006.

AZZI, V. F. Security for Show? The Militarisation of Public Space in Light of the 2016 Rio Olympic Games. **Contexto Internacional**, v. 39, n. 3, p. 589–607, dez. 2017.

BATISTA, V. M. **O Medo na Cidade do Rio de Janeiro.** Dois Tempos de Uma História. 2. ed. Rio de Janeiro: Revan, 2009.

BEATTIE, P. M. The Slave Silvestre's Disputed Sale: Corporal Punishment, Mental Health, Sexuality, and 'Vices' in Recife, 1869-1879. **Estudios Interdisciplinarios de América Latina y el Caribe**, v. 16, n. 1, 1 jan. 2005.

BEATTIE, P. M. "Born under the Cruel Rigor of Captivity, the Supplicant Left It Unexpectedly by Committing a Crime": Categorizing and Punishing Slave Convicts in Brazil, 1830-1897. **The Americas**, v. 66, n. 1, p. 11–55, 2009.

BROWN, A. K. "A Black Mark on Our Legislation": Slavery, Punishment, and the Politics of Death in Nineteenth-Century Brazil. **Luso-Brazilian Review**, v. 37, n. 2, p. 95–121, 2000.

CANO, I. Racial bias in police use of lethal force in Brazil. **Police Practice and Research**, v. 11, n. 1, p. 31–43, 1 fev. 2010.

CASTRO, V. M. O papel da mídia na construção do discurso de 'pacificação' no Rio de Janeiro (The role of the media in the "pacification" discourse in Rio de Janeiro). **Comunicação & Informação**, v. 18, n. 2, p. 198–216, 4 dez. 2015.

CHALHOUB, S. The Precariousness of Freedom in a Slave Society (Brazil in the Nineteenth Century)*. **International Review of Social History**, v. 56, n. 3, p. 405–439, ago. 2011.

CONECTAS HUMAN RIGHTS. **Brazil Has the World's 3rd Largest Prison Population**. [s.l: s.n.]. Disponível em: https://www.conectas.org/en/news/brazil-worlds-3rd-largest-prison-population. Acesso em: 9 dez. 2019.

DAVIS, A. Y. **Are Prisons Obsolete?** New York: Seven Stories Press, 2003.

DAVIS, A. Y. **Abolition Democracy:** Beyond Empire, Prisons, and Torture. New York: Seven Stories Press, 2005.

FANON, F. **Black skin, white masks**. New ed ed. London: Pluto-Press, 2008.

FAUSTO, B.; FAUSTO, S. **A Concise History of Brazil**. [s.l.] Cambridge University Press, 2014.

FERNANDES, F. **A integração do negro na sociedade de classes**. São Paulo: Globo, 2008.

FLAUZINA, A. L. P. **Corpo Negro Caído no Chão:** o sistema penal e o projeto genocida do Estado brasileiro. 2. ed. Brasília: Brado Negro, 2017.

FOUCAULT, M. **Discipline and Punish:** The Birth of the Prison. New York: Penguim Second Vintage Books, 1995.

FREYRE, G.; MAYBURY-LEWIS, D. H. P. **The Masters and the Slaves**. Tradução de Samuel Putman. 2 revised edition ed. Berkeley: University of California Press, 1987.

GALEANO, E. **Open veins of Latin America: five centuries of the pillage of a continent**. 25th anniversary ed ed. New York: Monthly Review Press, 1997.

GOES, L. **A tradução de Lombroso na obra de Nina Rodrigues:** O racismo como base estruturante da criminologia brasileira. Rio de Janeiro: Editora Revan, 2016.

GROSFOGUEL, R. Colonial Difference, Geopolitics of Knowledge, and Global Coloniality in the Modern/Colonial Capitalist World-System. **Review (Fernand Braudel Center)**, v. 25, n. 3, p. 203–224, 2002.

HUMAN RIGHTS WATCH. **World Report 2019:** Rights Trends in Brazil. [s.l: s.n.]. Disponível em: https://www.hrw.org/world-report/2019/country-chapters/brazil. Acesso em: 22 set. 2019.

JEAN, M. "A storehouse of prisoners": Rio de Janeiro's Correction House (Casa de Correção) and the birth of the penitentiary in Brazil, 1830–1906. **Atlantic Studies**, v. 14, n. 2, p. 216–242, 3 abr. 2017.

KLEIN, H. S.; LUNA, F. V. **Slavery in Brazil**. [s.l.] Cambridge University Press, 2010.

LARKINS, E. M. R. **The Spectacular Favela:** Violence in Modern Brazil. Oakland, California: University of California Press, 2015.

MACHADO, M. H. P. T. **Crime e Escravidão:** Trabalho, Luta e Resistência nas Lavouras Paulistas. 1830-1888. 2. ed. São Paulo, SP, Brasil: EDUSP, 2014.

MBEMBE, A. Necropolitics. **Public Culture**, v. 15, n. 1, p. 11–40, 1 jan. 2003.

MELLO, E. G. **A formação do subsistema penal federal no período dos governos Lula e Dilma (2003-2014)**. Florianópolis: Universidade Federal de Santa Catarina, 2015.

MELOSSI, D.; PAVARINI, M. **The Prison and the Factory**. 1st ed. 2018 edition ed. Basingstoke, Hampshire: Palgrave Macmillan, 2018.

MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA. **Levantamento Nacional de Informações Penitenciárias INFOPEN Atualização: Junho de 2016**. Brasília: Ministério da Justiça e Segurança Pública, 2017. Disponível em: <http://depen.gov.br/DEPEN/depen/sisdepen/infopen/relatorios-sinteticos/relatorios-sinteticos>. Acesso em: 20 jul. 2019.

PINHO, P. DE S. **Mama Africa: Reinventing Blackness in Bahia**. Durham NC: Duke University Press Books, 2010.

PREUSS, O. Brazil into Latin America: The Demise of Slavery and Monarchy as Transnational Events. **Luso-Brazilian Review**, v. 49, n. 1, p. 96–126, 6 jan. 2012.

RAMÍREZ, H. Neoliberalism in Brazil: An analysis from the viewpoint of the current situation. **PSL Quarterly Review**, v. 72, n. 289, p. 117–134, 6 ago. 2019.

ROSE, N.; O'MALLEY, P.; VALVERDE, M. Governmentality. **Annual Review of Law and Social Science**, v. 2, n. 1, p. 83–104, 2006.

SAAD-FILHO, A.; MORAIS, L. **Brazil: Neoliberalism versus Democracy**. [s.l.] Pluto Press, 2018.

SCHWARCZ, L. M. **Sobre o autoritarismo brasileiro**. São Paulo, Brazil: Companhia das Letras, 2019.

SIMON, J. **Governing Through Crime:** How the War on Crime Transformed American Democracy and Created a Culture of Fear. Oxford: Oxford University Press, 2009.

WACQUANT, L. Toward a Dictatorship Over the Poor?: Notes on the Penalization of Poverty in Brazil. **Punishment & Society**, v. 5, n. 2, p. 197–205, 1 abr. 2003.

WACQUANT, L. The Militarization of Urban Marginality: Lessons from the Brazilian Metropolis. **International Political Sociology**, v. 2, n. 1, p. 56–74, 1 mar. 2008.

WACQUANT, L. **Punishing the Poor:** The Neoliberal Government of Social Insecurity. Durham NC: Duke University Press, 2009.

WORLD PRISON BRIEF. **Brazil**. [s.l.] Institute for Criminal Policy Research, 2019. Disponível em: http://prisonstudies.org/country/brazil. Acesso em: 14 jan. 2019.

ZAFFARONNI, E. R. **O Inimigo no Direito Penal**. 2. ed. Rio de Janeiro: Revan, 2007.

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