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The police *warrior ethos*, violence and legality: reflections on ways of criminalizing culture in the contemporary Brazilian State

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Abstract: The article analyzes the current scenario of government action by the police system of the Brazilian State through public security strategies that aim to criminalize cultural segments considered "undesirable" and "dangerous", such as the *carioca* funk [the funk practiced in Rio de Janeiro] and religions of African origin, through a bibliographic review. For this purpose, mobilizing authors such as Max Weber, Norbert Elias and Michel Foucault, the article starts with a reflection on the formation of a *warrior ethos*, especially attributed to the police training and their practices, far from respecting the principles of the Democratic Rule of Law and human rights.

Keywords: culture; human rights; police violence; education.

Resumo: O artigo analisa o atual cenário de ação governamental do aparelho policial do Estado Brasileiro por meio de estratégias de segurança pública que visa criminalizar segmentos culturais considerados "indesejáveis" e "perigosos" como o funk carioca e religiões de matrizes africanas mediante uma revisão bibliográfica. Para tanto, mobilizando autores como Max Weber, Norbert Elias e Michel Foucault, o artigo parte de uma reflexão sobre a formação de uma política criminal pautada a partir de uma reflexão crítica sobre a formação de um *Ethos Guerreiro* no Brasil, em especial atribuído à formação dos policiais e das suas práticas, distante do respeito aos princípios do Estado Democrático de Direito e dos direitos humanos.

Palavras-chave: cultura; direitos humanos; violência policial; educação.

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AN “ADOLESCENT POLICE FORCE” AND THE VIRTUE OF LEGALITY: WAYS OF POLICING IN CONTEMPORARY BRAZIL

In contemporary Brazil, topics such as the culture of fear, the fight against corruption, social insecurity, unemployment, political polarization, the growth of crime, hate speech, among others, emerge as discourses that shape social, legal and political expectations. These in general cause a desire for their satisfaction to be directed to State action in terms of maintaining order or social control.

In the light of Rousseau (2014, p. 96), if we relate to the concept of order with social peace, a society is constituted insofar as the rights and guarantees of its citizens are implemented and practiced in an egalitarian and democratic way. For this purpose, the implementation of these fundamental rights in search of a social order falls on the proposition and practices of public policies in the most diverse areas of activity, of which the offer and opportunity of access to education, employment and health are some examples.

On the other hand, however, it is possible to recognize that the maintenance this state of order also takes place when the State acts through its mechanisms of social coercion, mainly when these fundamental rights are not fulfilled satisfactorily through public policies. This is either due to the ineffectiveness of these policies or to the discrimination of their proposal. We might thus assume a state of crisis like that thought of by Durkheim (2008, p. 274), in terms of an anomic State.

In this line of thought, it is in the search for social control that social coercion gains strength, based on what Max Weber called *legitimate violence*, exercised by a State which has the “monopoly of the legitimate use of physical force”, also known as “State violence” (WEBER, 2009, p. 196).

The “legitimate coercion” proposed by Weber supports a relationship of domination of men over men and is legitimized through internal foundations of justification and external means. Three main internal justifications are pointed out by the author: authority of the “eternal man”, authority of the “gift of grace” and “by virtue of legality” based on rules rationally created and fixed in statutes, which are used by public servants (among them, the police force) (WEBER, 2009, p. 526).

Police institutions operate according to this internal justification (domination “by virtue of legality”), that is, as holders of the right to use legitimate coercion – in modern times also called “police power” –, be it judicial or administrative, which is supported by legal norms. Police power becomes evident in situations of social tension. It is at such times that the armed wing of the State is called upon to curb a state of supposed abnormality, of disorder. This kind of domination – *by virtue of legality* – transits intimately through the propitious field of normative intensification (WEBER, 2009, p. 530). In other words, the police force action is exacerbated by the existence of strict control rules, including criminal rules.

Domination by virtue of legality represents (ELIAS, 1993) one of the main characteristics of the emergence of modern Western States. Therefore, the creation of the civilizing process in the Western world results from the transformation of “individual actions” into “social functions”, as the transition from individual self-control to social self-control begins. To this end, groups of specialists are created to “prevent behavioral aggressions” (1993, p. 195-196), integrating man socially into civilization – a man who at the same time has individual rights but is limited by social rights. According to Elias (1993), one of the functions of the exercise of the monopoly of physical force is the creation of “pacified social spaces” which are normally free from acts of violence.

From minor transgressions to major social attacks, the monopoly of physical force is exercised to restore or maintain an orderly space. It should be remembered that in several situations of social instability (and their different reasons and types), the belief remains

that calling “specialized groups” is the best medicine to be given, even though they are often not prepared to perform such a function.

And so, through the depersonalization of physical force, socially accepted acts of force begin to be monopolized by the groups of specialists and are consequently excluded from the lives of the other individuals. These specialists become the first organizational form of carrying out social control in the civilized world and constitute the entire monopolistic organization of physical force, “since they now stand guard only on the fringes of social life, insofar as they control the individual’s conduct” (ELIAS, 1993, p. 200 [free translation]). Similarly, in the view of Pierre Bourdieu (2007, p. 206-2007) the groups of specialists are made up of the individuals who hold the legitimate use of physical coercion, legitimate violence and symbolic violence.

For the purposes of this article, it is necessary to recall the fact that the Brazilian police institutions were the target not only of criticism regarding their mode of action, the distortion of their purposes, but are also considered as institutions created in order to ensure individual advantages to those who held power, such as, for instance, the creation of the Division of the Royal Guard of the Police during the Brazilian colonial period, in the 19th century, whose aims included to maintain habits and privileges of the Portuguese Court (SANTIN, 2004, p. 97).

Police institutions have another characteristic found in institutions that hold the monopoly on violence: “belief in legitimacy” (WEBER, 2009, p. 139). If these ends are not trustworthy, that is, if they are not in line with the majoritarian will of a society, they become illegitimate because in this case there would only be concern about attending to an individual interest.

All police action is, at least theoretically, recognized as something necessary by the political class, as this represents a social concern. From this precept we might gather the following premise: if the police act badly, it is because politics acted badly and vice versa.

All of this reminds us of the classic phrase by David Bayley (2006, p. 203) which sums up this discussion: “The police are to government as the edge is to the knife.” In other words, it is a well-known fact that the political regime adopted by a government interferes directly in the day-to-day activities of the police institutions. It is not without reason that several States considered to be totalitarian and authoritarian are also called “Police States”.

In this sense, in “Police States” police institutions are organized to defend the State itself and its political agents and not the citizens. The topic that will be addressed in this article raises the hypothesis that, at times, Brazilian police practices can lead to a process of criminalization of selected cultural manifestations and practices. At this point it is pertinent to consider the reflection of Luiz Fernando Camargo da Cunha (2002, p. 241):

The governments certainly make use of the police to achieve their ends (“the governments have the police they deserve”, in the well-known statement by Locard) and, in a way, they act with one eye on their duties to the community and the other on their internal regulations, command and discipline. The police is a body that appears, that is always present on many different occasions and places, and that particularly reflects, as emphasized by some authors, the crisis in relations between society and the State, and is sometimes seen by those who challenge it as an instrument of oppression in the service of the powerful.

In Brazil, the (social and legal) justifications for police practices are situated in the nebulous limit of their action: sometimes these policemen act as guarantors of rights, at others as assailants of (interferers in) these same rights. In other words, much is discussed about the legitimacy of a police force that, in the same scenario, sometimes commits

aggressions in the name of a right and at others also protects in the name of these rights. But rhetorically it always acts founded on a single justification: safeguarding fundamental rights for the sake of social well-being. Nevertheless, we must not forget that many of the claims are aimed at the implementation or maintenance of fundamental rights (the popular mobilizations and marches demanding more jobs are examples of this).

The end of the Brazilian military dictatorial regime in 1988 brought, with the advent of a new Federal Constitution, in addition to a political opening, a democratization process based on individual and social rights which allowed a slow transition to civilian control over military forces (PIOVESAN, 2009, p. 23). Obviously, these forces were obliged to transform themselves, not only in their way of reasoning and acting, but also in line with the “new” thought imposed on their agents. Perhaps the most important transformation is the awareness that their actions are no longer justified through the discourse of the pseudo-defense of the old *national security*, so common and vaunted in the dictatorial period, but rather in the new concept (new at least for us Brazilians) related to *social security* (social welfare).

It is on the performance of this new “adolescent police” (post-dictatorial period) and its criminalization processes that we focus our attention in the present study. The police are constantly remembered in social crises, or events where the strong hand of the State is always called, in processes criminalizing demonstrations or marginalized cultural practices. While, on the one hand, the Federal Constitution enacted in 1988 fortunately provided for compliance with international treaties and the prevalence and recognition of fundamental rights and freedoms as one of the pillars of the Brazilian Democratic State, on the other hand, very little was innovated in relation to the nature and practical objectives of its police institutions.

When we define organized strategies to control crime, whether they be public or private, we can say that we have a criminal policy. Criminal policy is understood as the social choices that seek to control the acts against the elected social order, especially when this order is composed of values which society has deemed important, such as life, freedom, property, health and, in our view, culture. It is no accident that some of these values are protected by our legal system as fundamental legal goods.

Brazilian criminal policy is founded on a Public Security System that is, to put it briefly, divided into two types of police, whose attributions are defined constitutionally: one police force with a preventive characteristic, also known as administrative and ostensible police force, and another one which is the repressive, investigative police force, as provided in the Brazilian Constitution. The main objective of criminal policy is the guardianship of the protected legal good, which recognizes the legal reprimand, but also as a simple reprisal against the offender, even if for this it is necessary to exercise social control to the benefit of a collective well-being. This is a crime policy as an institution to safeguard fundamental rights and guarantees, and more closely attuned to the world’s reality.

Much of the criticism that is made vis-à-vis police actions falls on the disconnect between this police action and constitutional precepts and, therefore, between this action and the general will (always considering the Democratic Rule of Law). Police abuse, for example, as well as torture and other forms of deviations committed by police officers represent a serious and illegitimate aggression practiced by those who should care for the social order and the common good. In this case, such irregularities would represent not only an assault against the Constitution, its principles and purposes, but also an assault against the very legitimacy of the exercise of the monopoly of legitimate violence, which, in this case, would no longer be legitimate but become arbitrary and criminal.

If we recall that conflict itself is, according to Georg Simmel (1983, p. 122), a natural phenomenon of any kind of socialization, we can resort to the teachings of Claus Roxin

(2002, p. 48) with regards to the concept of criminal policy: a system organized and oriented towards a social and legitimate solution of conflicts.

This is the essence of the primary function of police institutions, that is, to control conflicts and, in specific cases, to control (prevent and repress) crime for the sake of a well-being. Therefore, when, in our Brazilian society, we find a dramatic increase in the phenomenon of criminality, it is natural that attention and especially criticism fall on the activities of the police institutions (but not only on them, but likewise on institutions that make up the penal system). Many different judgments and proposals arise from this assessment that is visible in different spaces (academic, social, urban, public and private). This conduct directly influences public policies adopted by the government in the field security.

It is in this scenario of insecurity and criticism of the police force that we can safely say that throughout Brazilian history, since the colonial period, Brazilian police institutions have suffered and suffer from various fluctuations and influences regarding their daily activities and also regarding their primary purpose. It is not by chance that several positions considered as strategic belonging to the hierarchical structure of Brazilian police institutions are distributed by individuals associated with a dominant political group, even if some of them hold what Weber (2009, p. 201) called “status social esteem”.

This need to create and fill such positions is fundamental for the continuity of command and preservation of the dominant political class. In Brazil, such positions are called leading, commissioned, trusted positions, among other names given to them. Although there is a normative provision that meritocracy be considered in the occupation of these positions, practice shows us that only political-party interest prevails. In other words, the practice of filling important positions with party agents, associated with the same line of thought and the same way of acting is perpetuated in police institutions. In this case, one of the objectives is to contain or avoid spaces of opposition or other criticisms which may undermine this convenient structure.

The lack of training of police officers for their functions, the diversion from functions and core activities, the government’s neglect of economic investments in police institutions, political interference, corruption, and social disbelief etc. corrode and poison this activity, whose main objective is to “maintain and guarantee public order”.

However, despite all critique of its institutional degradation, corrosion of credibility and labor inefficiency, police activity is essential in a Democratic Rule of Law, since also entrusting the police with the shaping of an orderly society, supported by the search for social security, is still a common idea. Sociologically, the police exercise the duty of social restraint through their own procedures which will produce evidence for the penal system in the judicial phase³. The exercise of the power of judicial police is fundamental for the execution of these procedures. All this way of action asserts the common ideological premise: to contribute to the search for justice and social well-being.

2. POLICE MILITARISM AND *WARRIOR ETHOS*

One of the most discussed topics in Brazilian public security today is the militarization of the police forces. This is a political-social phenomenon supported by the discourse about increasing criminality and the need to re-discuss the attributions of Brazilian police institutions. Police militarism means

³ Among the criminal procedures adopted in the police phase of Brazil’s criminal legal system we highlight the Police investigation, Report of detention in flagrante delicto., Police report, among others.

The process of adopting and using military models, concepts and doctrines, procedures, and personnel, in activities of a civil nature. Militarization is increasing when the Army's values come close to those of society. The greater the degree of militarization, the more these values overlap. (ZAVERUCHA, 2006).

In another sense, the discussion on the subject of “demilitarization” of the police forces in Brazil has been going on for a long time. Still in the 1950s, Alfredo Feijó (1958), in a famous work entitled *Oficiais da Força e Delegados de Polícia* [Police officers and Police inspectors] had already called attention to this matter. And it was also on the agenda in the popular protests that occurred in Brazil in 2013.

The militarized characteristic of the Brazilian police goes back to the time of the colony and empire, as Holloway (1997, p. 44) rightly said: “In colonial Brazil, there was no structure of a professional and uniformed police force which was separate from the judicial system and military units.” Security was provided by military units, the “ordinaries”, called in cases of public disorder and capture of criminals and slaves. In 1808, the first regular ostensive policing unit called “Guarda Real de Polícia” [Royal Guard of the Police] was created using the same model as the police of the Portuguese Court. Peculiarities aside, the great transformation of Brazilian police institutions, mainly concerning their jurisdiction, took place after 1964, during the Brazilian military regime.

For more than two decades of military dictatorship, police institutions were marked by authoritarianism, following the same model of the Brazilian government at the time. The lack of representativeness, enforced decisions, the limitation of rights and guarantees and restricted freedom have shown the police as essentially intimidating and repressive bodies. The “arrests for purposes of inquiry” and torture only began to be more easily exposed publicly in the 1970s, when social movements began to emphasize human rights as one of their causes. At the time, a favorable field was created for the emergence of imaginary enemies. Any form of break with ethics, morals and even normative principles was justified as something necessary to restrain this pseudo-enemy (GUSSO, 2013).

These “enemies” of Brazil were precisely those who in a way did not fit the established political order. In this context the selective way in which the “enemies” were chosen – such as communists, anarchists, left-wing students etc. – should be highlighted. According to Bordin, Moraes & Gusso (2018),

[...] at that time an atmosphere strongly connected to a pseudo-concept of extreme nationalism was created, in other words, a period in which social common sense was summarized in discourses about order, justice, nation and progress. The government utterances acted in this sense. It is worthwhile transcribing some famous slogans: “Brazil, love it or leave it”, or “Those who do not live to serve Brazil are not of any use to live in Brazil.”⁴

Currently, similar slogans are seen, such as that of the Military Police of the State of Santa Catarina: “Made up of good people, for the good of people” (2013).

Thus, one of the legacies of the dictatorship was that police militarization became permanent. Regarding police institutions, they practically maintained the same existing structure and their respective tasks or duties.

In our opinion, one of the major problems of police militarization, which comes from the idea of *national security*, is not seeing the criminal as a citizen but as a social enemy. It is needless to say that this practice is distant from the model of democratic society chosen in Brazil. In this sense Luis Antonio Francisco de Souza (2012) explains (retrieved on May 11, 2013):

⁴ Slogans produced by the public propaganda of the military regime of 1964.

The model of the Military Police continues to be strongly attached to the idea of national security. The daily metaphors linked to security are still military: to fight crime, to eliminate the enemy etc. The control of drugs and weapons is still connected to the military model, with a strong influence from the strategies adopted by the United States in the “war on drugs”.

Police militarization exacerbates what Elias outlined as the *warrior ethos*, an old form of sociability that was embodied with violence and coercion as instruments of domination. The spirit of the police *warrior ethos* refers to the habits, shared behaviors and convictions common among individuals belonging to a given police institution. The feelings inculcated in the police force, also known as “police values”, are presented and conditioned from the police training courses to the very end-activity, such as prevention or police repression exerted by security forces.

Speeches about “honor”, “ethics”, “morals”, “courage”, “character” etc. constitute a socio-cultural process of the police force which determines their functional identity. They form what the police call “*esprit de corps*”, meaning a clear depersonalization of the individual identity of the police officer in favor of a “group identity”. The *warrior ethos* stresses the importance of the institution to the detriment of the individual belonging to it.

Thus, this is a historical-cultural process which determines not only the way in which these institutions act but also delimits and chooses their field of action and the individuals to be controlled by state coercion and externalization of violence considered to be legitimate. The militarization of the police force does not improve the control of crime in Brazil. In fact, on the contrary, it is only reflected in social expectations which quickly lose strength due to the police’s labor inefficiency, since it conditions the achievement of order only in a warlike sense. The militarized *warrior ethos* has a perverse logic of creating policemen, through depersonalization, for war and elimination. This is quite different from the purposes envisaged by the criminal system, which is social reintegration.

Unfortunately, political and social complacency towards illegitimate police violence represents a security model aimed much rather at suppressing rights and guarantees than at the very purpose of the criminal system: security and resocialization. In brief, we can say that the militarized security policy, using the discourse of “maintaining social order”, remains attached to the positivist idea of order, normality and particularly “national security”. It emphasizes the defense of the State itself, rather than the defense of its citizens, as has been rightly denounced by Zaverucha (1999).

Currently, the maintenance of a militarized police institution, founded on a bellicose sentiment, based on a *warrior ethos*, may be a direct remnant of the typical characteristics of a dictatorial State. It is perpetuated by the bellicose idea that sees the criminal not as a citizen to be integrated socially (whereas this is the main function of the criminal penalty⁵), but as an enemy that must be eliminated. This is a process which moves away from the legal-punitive logic to become merely military. In other words, it is a process that does not fit the type of democratic system chosen in our society.

In this context we recall the words of Bayley, who claims that the militarization of security institutions is the representation of an imperfect police force, and that the main reasons for the maintenance of this continuous militarized policing in modern societies are prolonged civil confrontations, and severe or generalized outbursts of violence committed by large numbers of people.

⁵ According to Article 1 of Act no. 7,210 of July 11, 1984, Act on the Execution of the Sentence.

3. FRIEND VERSUS ENEMY: A CRIMINAL AND CULTURAL POLICY OF CONFRONTATION

The transformation of the other into an enemy to be fought can become a useful political discourse against those who are considered socially reprehensible, undesirable or simply dissidents from a different political order. Contemporaneously, we are talking about the revitalization of an old acquaintance of the criminal discourses, viz the so-called “security doctrines”. From this point of view, this discourse is utilized for purposes much beyond the mere punitive charge and accountability, becoming itself a political order. National-socialism, fascism, the military dictatorships in Latin America, the fight against Communism are only a few of these orders of power that end up using the police systems in the service of the criminalization and even the extermination of their “enemies”.

The police forces under a State that is not much committed to democratic values become an instrument of a criminal policy aimed at the maximum criminalization and limitation of individual rights and guarantees.

What calls our attention is their action within the criminal policy based on a democratic order, i.e., sheltered under the Rule of Law. This is no longer a repressive police of a dictatorship, or of any other type of political totalitarianism, but a police focused on restraining practices within a formally democratic State.

This apparent paradox may conduct the police system to the extreme, because part of its action remains committed to the constitutional order, turned towards repressing and investigating common crimes, and the other part begins to operate to defend society against a “real or imaginary” enemy. For this enemy, the traditional mechanisms of State repression founded on rights and procedural guarantees are useless; rather it is necessary to go beyond them, suppressing or violating rights and guarantees under the justification of the interest of the public order.

In this sense a line is traced between the “decent citizen” and the “other”, the transgressor. According to Schmitt (1992, p. 52), it is by means of a political decision that the subject becomes the “other”, and as the “other” they are beyond any kind of legal or political shelter. The “other” is essentially disqualified in legal terms and, for this very reason, prevented from being tried by the norms and rules established by impartial authorities. The “other”, thus, appears as “the negation of one’s own kind of existence”, which can and should be considered as facing a real threat of annihilation. However, contemporaneously we experience the phenomenon of reading by means of the criminal policy, of transforming a subject into an enemy, an enemy who is closer to the definition of Schmitt (1992, p. 52-53), as a necessary political category, independent of any physical characteristic or moral distinction. They are not, therefore, the evil, the ugly, the unjust or the non-profitable, but those considered politically “the other”.

This is the main effect of the definition of “enemy”, that is, their exclusion from the order of legality and their consequent objectification in the political logic. The mere existence of the “enemy” would place the existence of the social body, of the State, or of the political organism at risk, justifying the need to eliminate them physically. Along this line, politics becomes, according to Schmitt, a space for a bellicose confrontation between friend and enemy, with the nefarious consequence that only one can come out alive, since the existence of the enemy is the reason for political unity. This is a definition that would provide legitimacy to the political power instituted to turn the struggle against crime into a concern of the State, in a warlike confrontation against the social “enemy”.

Thus, the enemy is the one whose existence would threaten the established political, economic, social and cultural order, and the survival of the social body would depend on denying them life.

The culture of fear, the mercantilization of aspects of life, unemployment, the feeling of insecurity, the increased crime rate, the fight against corruption and the recent political polarization of Brazilian society are some of the indicators that enable a thinking about forms of mobilizing against the “enemies” of the State order, and the police is the way in which it works.

4. CULTURE AS AN ENEMY?

It was possible to thematize the idea of culture in this article thanks to the contribution of the ideas of Clifford Geertz. According to him, we are involved in webs of meanings woven throughout our lives, and culture is one of them. According to his interpretive analysis of culture, “To look at the symbolic dimensions of social action – art, religion, ideology, science, law, morality, common sense – is not to turn away from the existential dilemmas of life for some empyrean realm of deemotionalized forms.” [*The Interpretation of Cultures: Selected Essays*. New York: Basic Books, 1973, p. 30]. According to Geertz, to understand a concept of culture, it is necessary to grasp these dimensions of life, “to plunge into the midst of them” (2008, p. 21), hence his famous interpretation of culture as a web of meanings.

Brazilian culture can be thought of based on these immense webs woven by different meanings produced by different peoples. There are many forms of knowledge, practices, goods, monuments, powers, feasts, celebrations, in short, cultural manifestations and practices that express the complexity, diversity and plurality of our society and also of our conflicts. Tradition and modernity, knowledge considered scholarly and popular knowledge, art and folklore, crafts and markets; our culture in Latin America seems to be, according to Néstor García Canclini, in the face of challenges of a globalized modernity or of a hybridized postmodernity: it can be a border, but borders can be of barbed wire or they can be broken down (CANCLINI, 2015).

Legally, the Brazilian State has a system for the protection of culture ensured by constitutional principles such as free speech, the prohibition of censorship, intellectual rights, freedom of association, freedom of expression of thought, among others. And it goes further, since in the Federal Constitution there are specific provisions that deal with culture, such as Article 215, which provides for the guarantees that the State must give the full exercise of cultural rights, in addition to support and incentive for the valuing and dissemination of cultural manifestations. The Brazilian Constitution was relatively generous with culture, with provisions for cultural heritage (art. 216) and the creation of a National Culture System (art. 216-A).

Another important legislative framework is Act No. 7,716, of January 5, 1989, the Caó Act, which defines discrimination or prejudice of race, color, ethnicity, religion, or national origin as crimes. This law is considered a strategic norm against racism and social and cultural prejudice in Brazil. However, the upsurge of complaints about attacks against sacred places of religious cults, in general of African origin, about religious intolerance, physical aggressions and threats against people who practice them has created demands for police units specialized in the investigation of these crimes. In the State of Rio de Janeiro, in 2011, the Police Department for Racial Crimes and Crimes of Intolerance started to operate, based on a bill which became a state statutory law, Act No. 5,931, of March 25, 2011. Other states like São Paulo and the Federal District also have them. According to data from the Public Security Institute of Rio de Janeiro, between 2011 and 2015, 374 cases of religious intolerance were recorded (*Relatório sobre intolerância e violência religiosa no Brasil*, 2016, p. 61).

The demand for specialized police services is pertinent in a context in which topics such as religious intolerance, structural racism, political differences take on a very clear outline in a society used to stifling the discussion about its differences and conflicts.

Regarding the crimes of racism, religious intolerance and their relationship with the criminalization of culture, there are a few possible assumptions, but they would require further studies. For example: State racism that exists in public policies in the field of security; criminal selectivity functioning as a mechanism for the management of vulnerable population groups to receive “definitions as crimes and penalties”; the demand for the operation of a non-militarized judicial police; the role of neo-Pentecostal churches; the role of formal justice systems, among other issues that go far beyond the aims of this article.

On the other hand, police action can be very selective and repressive against population groups in cultural manifestations or practices that are not considered by the establishment as “culture” or elected as socially acceptable. The police act as an instrument that reproduces a repertoire of socially prejudged prohibitions and permissions. In a society with few democratic values, in which cultural freedom is compromised, the police can become a mechanism for restraining cultural manifestations and practices, whether acting repressively or administratively. For these marginalized people mentioned further on in the text an enemy status is easier to produce and fight, either through an administrative infraction or through a definition as crime, which in many cases remind us of a criminal law of the author and not of the fact, as in the Rule of Law.

To illustrate this fact, we take as an example the funk dances that rock the nights in several Brazilian cities. The dances gather together hundreds (and sometimes thousands) of young people living on the outskirts, mostly black and economically poor. Rocked by funk, a type of music which was born in the 80s and 90s in Rio’s shanty towns, the funk dance is a meeting point for young people who have little room for fun, leisure and socializing, but who dance, sing, dress and build a unique identity. In the words of Amaral & Nazário (s/d, p. 55):

Far from any simplifying causality, but not far from reality, one can also see funk as the heir of samba. Funk is to some extent like samba, under the traces of socially vulnerable, stigmatized and criminalized communities. Led by blacks and poor people, we see, once again, the culture originating in the shantytowns receiving all the weight of marginalization and being politically associated with violence, savagery, and criminality.

It is this weight of marginalization that is harshly repressed by the police force which does not recognize their dance, musicality, performance and lifestyle as a cultural manifestation and often criminalizes them. First, administratively, due to the difficulty in obtaining public permits and operating licenses for the courts or patios where dancing occurs or the community spaces generally linked to cultural, sports or residents’ associations. Second, the definition of crimes such as association with drug trafficking, possession of firearms, the criminal offense of disturbing the peace or criminal damage, which are generally attributed to the attendees of those dances is recurrent. In this scenario, tragedies such as the “Baile da 17”, which took place in December 2019 in the shantytown of Paraisópolis, São Paulo, can be mentioned. Nine young people were trampled to death and twelve others were injured during an alleged confrontation between the Military Police of the State of São Paulo and drug dealers who were allegedly there. Paraisópolis is the second largest slum in São Paulo and the fifth largest in Brazil with approximately 100,000 residents. It is estimated that at the time of the regrettable episode that led to the death of young people, about 5,000 people were in that location (Portal de Notícias G1, 2020).

Along these lines, thinking about culture as a web helps us to problematize how some police officers, who represent the State, can approve or disapprove of art, religious practices, cultural manifestations, feasts or parties, music, dance, clothing, food, ultimately within a system of meanings. Police officers are put into a system characterized by a brave *warrior ethos* that, through individual depersonalization and consequently the emergence of the group esprit de corps, fights its enemies on a mission, but at the same time exempts that same depersonalized police officer from possible individual responsibility and, perhaps, mitigates their remorse. It is interesting to note that perhaps sensitive issues such as racism, religious intolerance or even other demands that are related to cultural manifestations or practices have different meanings according to the “mission”, making it act legally or illegally, according to the expectations of the establishment or the political expectation of the moment. It is in this sense that investing in a police force that is increasingly committed to democratic values is essential. But this is only a hypothesis that is far from being answered due to the limitations of this study.

CONCLUSION: WARRIORS AGAINST CULTURE?

The purpose of this article was to contribute to reflections on how the formation, structure and organization of policing in contemporary Brazil, especially after the 1988 Constitution, and on how, in a way, the choice of this policing model maintained some structures that are not very democratic. According to this line of thought, the training of our police officers still depends a lot on political and social values which may be only slightly committed to the legal constitutional principles of the Rule of Law. In other words, these are values that often respond to rulers and governments and not to the State, which is always very dangerous for social welfare and democracy. It is along this line of reasoning that the Brazilian police force could be thought of through the *warrior ethos*, as prepared for combat, yet with little reflection on its actions and their meaning towards the world and towards others. A police officer with little alterity, as they are led towards a way of thinking and acting by a dynamics of fighting the enemy.

In the proposal of this article, our objective is to problematize some aspects of the relationship between policing and the criminalization of culture. The criminalization of culture in Brazil is not a recent phenomenon, nor is it only limited to police institutions. In general, culture in Brazil is protected by a system of constitutional rights and guarantees. However, in recent years and during this current government, culture viewed from the perspective of complexity, diversity, plurality and appreciation of the peoples who make up the country has suffered severe setbacks. Thinking about the possibilities of its criminalization and the strategies of resistance has become an urgent matter for cultural sectors.

The criminalization of culture can occur through different legal and non-legal mechanisms and strategies. Among the legal ones, there are those that operate in various bodies such as the legislature, the judiciary and criminal policy. We chose to comment on some strategies involving forms of policing. We know that there are others.

Unfortunately, in our times, the Ministry of Culture has been extinguished, official notices about films have been cancelled, various employees who are experts in the cultural sector have been dismissed and replaced by people without any experience in this field.

The criminalization of culture is a fact with one more chapter. The activation of policing strategies may become the next chapter.

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