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Pacifying the public sphere

An analysis of inequality, discourse and legitimacy in the context
of the Pacifying Police Units (UPPs)

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Thanks to: Rio, Michael Palin, my mom, my dad, my grandmothers and my grandfathers.

Abstract

In the present thesis I analyse the pacifying Police Units (UPPs) of Rio de Janeiro. In doing this I focus on the aim of bringing citizenship and rights to the residents of Rio de Janeiro's favelas. I argue that the lack of participation in the process of formulation and implementation of the program by its beneficiaries has a number of consequences for its legitimacy and efficiency. Due to this lack of participation by favela residents as socially constituted legal subjects, that is, citizens, combined with a lean normative structure, the implementation of the program becomes guided by external interests as well as social and discursive categories that represent the favelas as sources of risk and danger, and the favela residents as simultaneously *sources of danger and risk* on one hand, and *victims* of the drug lords and social and historical injustices, on the other hand. These discursively constructed external categories have the consequences of stripping the favela residents of agency and making the implementation of the program have the character of a controlling and normalizing intervention. Thus, the benefits brought by the program in terms of the fulfilment of some civil and social rights have more of a character of privileges. For the abovementioned reasons, I argue that they have not, so far, succeeded in creating the conditions for an inclusive public sphere where the construction of citizenship and the claim for rights can take place.

Table of Acronyms

CPP: Coordinating Office of the Pacifying Police

ISER: Institute for the Study of Religion

MP: Military Police Soldier

SESEG: Department of Security of the State of Rio de Janeiro

UPP(s): Pacifying Police Unit(s)

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1.1 Introduction

In this thesis I analyse the "Pacification"[1] program carried out by the Government of Rio de Janeiro in slums of the city of Rio de Janeiro, and recently expanded to include the state. I have chosen this subject because it poses interesting questions regarding legitimacy in a context of extreme social inequality, exclusion and urbanisation. In the contemporary world with increasing urbanisation, inequality and exclusion, these questions, and hopefully some of their answers, are not limited to the specific empirical context, but may be of relevance in other contexts presenting similar challenges.

The program of "pacification" aims at "pacifying" the favelas formerly occupied by drug gangs. In order to do this, the state sends in the Military Police in the form of the so-called Pacifying police units (UPPs). These arrive with the ostensive purpose of staying permanently to take back the territory of the drug lords and to bring "peace", "citizenship" and "rights" to the residents of Rio's favelas.

The terms citizenship, peace and rights are highly visible in the official discourse. This discourse and the experience of doing field work in Rio inspired me to focus on the construction of citizenship, rights and peace in the specific context of Rio de Janeiro and Brazil, where the legitimacy of the political institutions cannot necessarily be taken

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[1] I put pacification, peace and citizenship in quotation, to signal that the content and meaning of these terms is subject to ambiguity, and cannot be taken as an objective given in the relevant context, as I will come back to.

for given due to the extreme social and historical inequalities that are reproduced in the state.[2] I therefore chose a theoretical approach closely inspired two of the major theorists of rights, legitimacy and citizenship, namely, Jürgen Habermas and Hannah Arendt.

For the abovementioned reasons, I have elaborated the following research questions.

1. Can the pacification program be seen as legitimate vis-avis the residents of the favelas?

    1.2. What are the sources of the program?

    1.3.What are the historical and social relations of favela residents with these sources?

    1.4. What are the possibilities for participation in the formulation of the program by residents?

2. How are favela residents discursively constructed in a context of structural and physical violence?

    2.2 How does this discourse inform the actions of the representatives of the "pacification" program?

3. What are the consequences of the above for the possibilities of constructing an open and inclusive public sphere?

4. What becomes of rights in the absence of an inclusive public sphere?

Research question number four sums up the preceding questions and touches on the the difference between privileges and rights since rights granted in the absence of a public sphere have more of a character of privileges. This is an important distinction in more than purely academic and analytical terms, since privileges can be more easily withdrawn than rights – a problem that is reflected in the common perception that the UPPs are made for the security during the world cup and the Olympics, and the fear of a (partial) termination of the program after these events.[3] Finally it is important because

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[2] Feltran, 2008, pp. 95.
[3] Cano et al., 2012, pp. 9, 118; Sciammarella & Taylor, 2012, pp. 122; Carvalho, 2012, pp. 173; Rodrigues 2012, pp. 188.

the lack of participation in the public sphere by the subjects of law risks leading to arbitrary and normalising interventions based on external knowledge categories that are not applicable to the specific context.

To answer the research questions I start out by quickly summing up on my methodological approach. Then, in chapter **3** I look into the theories of Arendt and Habermas concerning the public sphere, legitimacy and rights. In chapter **4** I apply this theory to the social and historical context of Rio, focussing on the challenges that the history and conditions pose for the construction of an inclusive public sphere, and arguing that the lack of such has had the effect that the relationship of favela residents with the state, can be construed as a form of partial citizenship and controlled incorporation, with the consequence that they have not had an influence on the "pacification" program as rights holding subjects. Subsequently, I move on to look at the pacification program, starting with its history in chapter **5**, where I argue that the history of the program reveals some of its political objectives. From there I proceed to a discursive analysis in chapter **6**, where I analyse how this discourse is informed by the history of the favelas as described in chapter 4, and argue that the discursive construction of this history and the actors in it, has the effect of conveying a sense of necessity to the program as a means to an end. In chapter **7** I look at the normative structure, strategy and official aims and objectives. This is to see whether there are institutional mechanisms in place allowing for the participation of the favela residents in the implementation of the program. The relatively short conclusion to this chapter is that these are almost completely lacking which leads to chapter **8,** where I analyse relations between residents and policemen in the pacified areas and argue that, in the abovementioned absence of effective means of participation and accountability, these relations comes to be guided by a number of factors, including personal idiosyncrasies, political ambition and, most importantly the official and unofficial discourses of victimhood, danger, risk and crime with which the favela residents are associated. In the conclusion I argue that this has consequences for the legitimacy of the program, which again poses a threat to its efficiency and long-term viability.

2 Field Work and Data

The empirical data that I use to support the analysis in this thesis stem partly from the research of others and partly my own research. As for the last it consisted of one month of on-site field work in Rio de Janeiro and research on the internet. These two sources of data are interlinked in the sense that my field work inspired my subsequent line of analysis and, thus, my research on the internet, as I will show below.

2.1 Access

Because of the potential dangers of studying this program, I chose to try to get acces through institutional channels and friends as opposed to arriving in a Malinowskian way as the lone anthropologist. I ended up having a number of contacts before arriving some of which turned out to be very useful. In the end, however, I also had to rely on my luck and personality to get access to the field.

2.2 Methodology

During my fieldwork I was inspired by the classical anthropological method of participant observation. This consists of both participant observation where the anthropologist stays among the people that are being studied, participate in daily activities and conduct semi-structured interviews.

However, due to the limited extend of my field work, I ended up mostly focussing on semi/structured interviews. Thus, in terms of quantity I carried out 15 semi-structured interviews, nine of which I recorded. These interviews were carried out in Portuguese, and the relevant parts were translated into English by myself. The analysis of the official discourse is also partly based on my translations from Portuguese, however, when possible I have sought to use the English version of the official website of the UPPs[4] for easier reference to non-Portuguese speakers.

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[4] Government of Rio de Janeiro & the UPPs, UPP - Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).

2.3   Ethics

First of all, I have decided to consistently anonymize my data. This is primarily in order to avoid any repercussions to my informants, whether professional or personal.

According to the standards of the American Anthropological association, I have also obtained the informed consent of my informants in advance and informed them of my role as a researcher and that my research was intended to serve for my thesis in order for my informants to be in a situation to give informed consent, or not, to participation in the research. [5]

Part of my considerations in these regards have obviously also been around my own safety and the possibility of, in a longer perspective, conducting further research.

3   Theoretical Chapter – Power and Will-formation

This chapter is intended to serve as an introduction to the body of theory that I rely on in my analysis. Thus, in the chapter 3.1 I will look into the nature of legitimacy in modern society, then, in chapter 3.2, I will look into the public sphere as the space for constructing legitimacy, rights and citizenship through political action.

Thus, in 3.2.1 I will look into the public sphere as the locus for action and will-formation. In chapter 3.2.2 I will look into some of the preconditions for participation and inclusion in these processes as necessary for citizenship, rights and politically legitimate power. Finally, in the chapter 3.2.3, I will look into what the consequences are for the exercise of power, rule, rights and citizenship under conditions that do not conform to the conditions laid out in the first part. In this chapter I will also include some of the historical attempts at introducing citizenship in Brazil, some of which have consequences to this day.

I have chosen to structure this chapter by dividing it into considerations of the nature of legitimacy, the public sphere as source of legitimacy, the conditions under which a

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[5] American Anthropological Association, 2009, Code of Ethics.

public sphere is likely to thrive and finally the consequences of the lack of a public sphere, or the exclusion of parts of society from it. This division may seem somewhat forced, due to the way the conditions necessary for securing the private autonomy of citizens as law-makers and the definition of policies and rights aiming at providing such conditions reciprocally presuppose each other. However, it makes sense in the following chapters where I apply the theory to the data. In other words, this structure makes sense analytically.

3.1   What is legitimacy?

One of the common denominators of a large part of, if not most, theoreticians of legitimacy, rights, citizenship and power is the focus on sources. In other words, and somewhat common-sensically perhaps, the source of power must be legitimate for the exercise of power, understood here as the formulation of rights and policies to ensure the enjoyment of such rights, to be so. Historically, theorists of rights and legitimacy have tried to legitimize rights by looking either to transcendental moralities or to ideas of shared human nature as the basis for rights epitomized in the idea of natural rights which has been a forceful thought in Western theory. However, this theory has also been the object of criticism, most notably from Bentham who famously called it *nonsense upon stilts.* His arguments is that such rights do not relate to duties, and do not specify an agent with the responsibility to ensure that the rights are fulfilled. In other words, natural rights do not specify a relationship between a socially constituted rights-holder to whom a legally inscribed right is owed by a duty-bearer. This, of course has the consequences that such rights cannot be claimed, and neither can their content be influenced by the rights-holders, making them in Bentham's words similar to children without a father.[6]

Habermas makes a point which has similar consequences, when he writes that, "positive law can no longer draw its legitimacy from a higher law".[7] The reason for this is twofold: First, the untenable character of transcendental arguments, which for its part

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[6] Waldron, 1984, pp. 4-10.
[7] Habermas, 1999, pp. 254.

refers to two conditions of modernity: First, the scientifically unverifiable nature of a transcendent deity to fall back upon, so to say; and, secondly, the fact that modern societies are highly culturally and religiously pluralistic, making reference to transcendental or universal morality both philosophically untenable and politically unfeasible.

In other words, without the reference to a transcendental morality or nature, we must search for legitimacy in other places or, better, institutionalised processes, in Habermas words, procedures, specifically the democratic procedure of law-making.[8]

Arendt makes a similar point as to the political source of legitimacy. That is, if we renounce the idea of natural rights, legitimacy must be a construct, constructed in togetherness between human beings. Thus, In the work, On Violence, Arendt makes an important distinction between (legitimate) power and violence, which has consequences for our understanding of the nature of legitimacy. As Habermas, Arendt makes a distinction based on the sources of power. Thus, to quote from *On violence,*

"Power springs up whenever people get together and act in concert, but it derives its legitimacy from the initial getting together, rather than from any action that may follow. Legitimacy, when challenged, bases itself on an appeal to the past, while justification relates to an end that lies in the future"[9]

Here it is clear that the sources of law, power and action must be in the getting together of people. This also means that the categories outlined above are conceptually and practically intertwined in that the source of legitimate rights and citizenship is in the power that springs up when people act in concert. Violence, on the other hand, is instrumental in that it bases itself on an appeal to and end which lies in the future.[10]

Thus, if rights, citizenship and policy are not based on the social agency of their subjects, they lose their legitimacy and risk being instrumentalized for purposes and ends that are not controlled by the rights bearing subjects. In such cases the policies

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[8] Habermas, 1999, pp. 259.
[9] Arendt, 1969, pp. 52.
[10] Idem, pp. 52

carried out in the name of a non-socially constituted subject risk leading to "privileges in some cases, injustices in most."[11] This is to say that they become contingent upon arbitrary external criteria for their inforcement, making their enjoyment ephemeral and their enforcement unstable and subject to abuse.

3.2 The Public sphere as the basis/context for the exercise of citizenship and the creation of rights

The idea that legitimacy must be constructed politically by people acting in concert thus leads us to the question of the space or the sphere where this political construction can take place. This space is the public sphere, as opposed to the private sphere.

The idea of the public sphere warrants a short detour into the idea of the private sphere as it has been theorised by Hannah Arendt based on the experience of the ancient Athenians. This is important, both because it allows us to mentally configure and envision the nature of the public sphere by opposition to the private sphere, and because the private sphere in both the theories of Arendt and Habermas is the functional prerequisite of the public sphere.

The existence of the public sphere as a space of political action and participation by citizens was, in Athens, based on the existence of the private sphere and the sharp division between the private sphere and the public sphere. This was so because the private sphere was seen as the space of necessity, that is, the space where the biological and social necessities of the citizens were met. In this way the private sphere guaranteed the individual biological survival of the citizen, and the biological and social reproduction of citizens. In doing this, it guaranteed the ability of the citizen to freely participate in public life, without being constrained by the necessities of biological and social reproduction.[12] Only in this way could the public sphere be the place of freedom. However, at the same time, this freedom presupposed the strict delimitation of the private sphere and its exclusion from the public sphere. In other words, nothing related

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[11] Chandler, 2009, pp. 116.
[12] Arendt, 1998, pp. 30-31.

to necessity could be admitted into the public sphere, including women and slaves,[13] whose work, that is, women's labor of birth and slaves' work in the household, was the condition that freed the citizens of Athens to enter the public sphere.[14]

The association of the private sphere with necessity, means-end categories and instrumentality was also the reason for its association with *rule,* as opposed to *action*. In other words the relationship of the master of the household with his subjects was one of ruler and ruled, where both were bound by the necessity of ruling and obeying in a one-way relationship defined by the necessary end of ensuring social and biological reproduction, thus stripping them of the freedom, plurality and open-endedness that are characteristic of action.[15]

 This was not necessarily physically violent, since a tyrant may well be benevolent, but it was tyrannical in the sense that the tyrant ruled in isolation from his subjects who were not allowed to partake in ruling, which, if they were, could more properly have been described as action.[16] The isolation of the tyrant, whether he be the ruler of a household or the ruler of a country, also meant that such a rule was eminently a- or pre-political, since the political took place in the public sphere of the polis together with one's equals. For this same reason, neither the ruler, nor the ruled could be considered as truly free, in the Athenian sense of the words, meaning the freedom to participate in the political life of the polis or, in more modern terms, republic

What is important to retain from the above is that freedom and openness can only exist if the public sphere is free from the necessity and dependence typical to the private sphere.

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[13] Arendt, 1998, pp. 72.
[14] Arendt, 1998, pp. 83-84, 129.
[15] Arendt, 1998, pp. 202
[16] Arendt, 1998, pp. 221.

3.2.1   What is the public sphere?

Having determined what the public sphere is *not* I will now try to outline what the public sphere *is.*

The word public has its origins in the latin word for people, populus. This is also the origins of the term republic, which is a combination of the word public and the word res, meaning thing in Latin. In other words, the public thing. The public thing, should, thus take place in the public sphere, leading us on to the question of what the public sphere is and how it is constituted.

The answer to this question is twofold, each answer leading to a number of new questions, as I will show below.

First, the etymological origins of the word gives the sense that there must be a *people* who can inhabit the public sphere, warranting the question, what is a people?

Second, in Arendts analysis, the public sphere as it, most notably, unfolded in Athens was a place for action. In this light, the question of what the public sphere is, becomes to a large degree a question of what *takes place* in the public sphere. These two questions are intertwined insofar as it is through political action, in the public sphere, that a political community constitutes itself as a people. In other words, the equality and freedom of the ancients, that are characteristic of the public sphere, are politically constructed in action. Leading us on to the question of how action may construct equality.

3.2.1.1   Action

According to Arendt, action and speech create relationships among distinct and unique human beings. In other words, the sharing of words and acts distinguishes us among equals, thus creating the public sphere with its tripartite characteristic of equality, plurality and open-endedness.[17]

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[17] Arendt, 1998, 175-176.

However, to adequately grasp the concept of action it is useful to sum up what Arendt sees as the opposite of action, namely making or fabricating. Making and fabricating are associated with necessity, which, as I have mentioned above, was strictly limited the private sphere in the Athenian democracy. The necessity of making and fabricating is also closely linked to the instrumentality and violence linked to these concepts. Thus, according to the ancients greeks, in the private sphere violence and the use of physical force are *justified* because they are *instrumental* to meeting the demands of biological and social necessity in order, for the head of the house hold, to be free to leave the private sphere and meet his fellow citizens in the public sphere.[18]

This instrumental thinking in terms of strict means end categories where the end is determined by necessity is the exact opposite of action as a political activity which is carried out in concert by men[19] in their plurality.

Thus, in contrast to the instrumental means-ends character of making and fabricating in the private sphere, the plurality that is characteristic of humans makes the outcome of action open-ended. This is so because each action is an act into the plurality of other human beings and their wills and intentions, actions and reactions, which, in turn, spur action and reaction in an unbounded and unpredictable chain of actions.[20] This plurality is what makes action possible, and, in the words of Hannah Arendt, it has the "twofold character of equality and distinction".[21] Equality is what makes speech and communication possible, without which there would be no way to "act in concert". In this sense equality is both the necessary condition for speech and action, which, for their part, are the ways in which we construct our political equality and political communities as the bases for citizenship. In this sense, action in concert, resting on communicative equality is how human beings constitute themselves as political communities or peoples.

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[18] Arendt, 1998, pp. 31.

[19] I use the term men here because as a matter of fact, and as Arendt also notes, in the case of Athens the citizens, who were the only humans to be allowed into the public sphere, were all male.

[20] Arendt, 1998, pp. 184.

[21] Arendt 1998, pp. 175.

As for distinction, it is based on human plurality, but takes its specific form when human beings distinguish themselves through action, thus being dependent on initiative.[22] This quality distinguishes it from mere difference, as it can be found in the animal world and in humans as purely biological, if we are reduced to our mere passive biological essence, which, of course, makes us no longer human. In this sense action and speech are what makes us human, in that they reveal a *who* as opposed to a *what.*

Thus, according to the distinction that Arendt makes between power and violence, action in concert is also what constitutes power as opposed to violence which is associated with *ruling*. This is because *action* is what allows us to come together in groups and create rights giving political communities, in which we may *empower* someone to act on behalf ourselves.[23] This is what distinguishes power from blunt force, violence and rule, and thus it is also what distinguishes rights of rights bearing citizens from privileges of passive subjects who have not had a say in what their rights should be. It is also what distinguishes the republic from tyranny and grants legitimacy to the rights enjoyed by the citizenry. This is the necessary condition of a republic, where "the rule of law, *resting on the power of the people*, would put an end to the rule of man over man."[24] (my italics) Power, in this sense, can consequently not be the property of an individual, but rests on the "human ability to *act* in concert"[25]. (My italics)

In other words, action in concert is necessary if the legal subjects, that is citizens, are to be simultaneously the sources of rights, policies and law as well as the addressees of law, as opposed to being merely the passive objects of rule. Thus, it is also the prerequisite of legitimacy.

However, since action is only possible in the company of fellow human beings who are distinct and unique, human plurality is also at the root of what Hannah Arendt calls the frailty of human affairs, that is, the frailty of action,[26] which is closely connected to its

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[22] Arendt, 1998, pp. 176.
[23] Arendt, 1969, pp. 44
[24] Arendt, 1969, pp. 40
[25] Arendt, 1969, pp. 44
[26] Arendt, 1998, pp. 188-191.

unboundedness and unpredictability, as I will come back to in the chapters by the same names.

3.2.1.2 Will-formation

As Arendt, Habermas rejects the idea of pre-existing rights that may be discovered or paternalistically foisted upon a sovereign. This is so for two interrelated reasons. First, the fact that modern societies are pluralistic and, second, the necessity of addressees of law and rights to be able to see themselves at the same time as the authors of said laws and rights, which is the necessary prerequisite for their legitimacy and, I would ad, durability.[27]

For citizens to be able to see themselves as authors and effectively be the authors of law, there must be institutionalized procedures that allow for their participation in law-making. In other words their participation must take the legal and democratic form so that it simultaneously guarantees that there be equality before the law of all legal subjects and that these subjects be engaged in the democratic procedure of decision making or will-formation, to use Habermas' vocabulary.[28]

Will-formation is the process whereby the participants in the public sphere, that is, citizens and legal subjects arrive at a common intersubjective recognition of what principles are valid for the organisation of society.[29] In order for them to arrive at such an intersubjective understanding, they must engage in communication, that is, in public discourse or reason. The moral point of view in this understanding is embodied in the intersubjective practice of argumentation in which the different actors engage in ideal role playing wherein they seek to take the perspective of the other under conditions of social and ideological pluralism.[30]

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[27] Habermas, 1998, pp. 257-258.
[28] Habermas, 1998, pp. 257-261.
[29] Habermas, 1995, pp. 127.
[30] Habermas, 1995, pp. 117.

Thus, legitimacy of power rests on it being the outcome of this open-ended and procedural communication, provided that it be inclusive and free of coercion. Habermas argues that it is in this practice, that a "we-perspective" emerges.[31] This can be seen as similar to Arendt's point that it is in action and speech that we construct the necessary equality for political action and the creation of a public sphere and political communities.[32]

The concept of will-formation may seem less pure than Arendt's concept of action, in that it does concede to a minimum of means-end categories. However, only insofar as these are functional and work to ensure the very openness of the ends.

This has to do with the practical requirements of law-making in mass-society that differ from the context of the ancient Athenians, where the actual natural persons, coincided as both authors and addressees. Whereas in modern society practical constraints require us to accept a distinction between objects and subjects of law, that is, addressees and authors. In this context, the inclusion of the priorities of all people who are subjects of law, requires the inclusion of historically and socially oppressed and marginalized groups so that all people can see themselves both as authors and addressees of law.

This historical and social exclusion is one of the reasons for the difference between legal equality and actual equality, that Habermas talks about when he mentions the chasm between a right and the chance for its exercise.[33] This chasm makes necessary the provisions of substantial goods, which is functional to the procedure in that they allow for the inclusion of all legal subjects in the procedure of will-formation by ensuring their private autonomy.[34] This is functional, in liberating citizens from dependency and ensure that their participation in the public discourse is un-coerced and free. The exact content of these rights should be determined by the process of will-formation as only thus can they be legitimate and efficient in their aim. In other words, the subjects of these social rights must participate in their formulation. If the subjects of social or other policies, such as the UPPs, do not have a say in the formulation of these

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[31] Habermas, 1995, pp. 117.
[32] Arendt, 1969, pp. 52; Arendt, 1998.
[33] Habermas, 1995, pp. 116.
[34] Habermas, 1998, pp. 261-262.

policies this leads to a lack of legitimacy, and the risk of normalizing interventions, as I will come back to later.

This is also a question of the interdependence of the different generations of rights, thus Habermas argues that economic and social rights, like civil and political rights, are also important for the ability to participate in the public sphere, that is, for political autonomy, which, for its part is the prerequisite for ensuring the rights to private autonomy, through political participation of all legal subjects in the public sphere, where they can participate in formulating rights aimed at securing their private autonomy. In other words, this forms a virtuous circle.

3.2.1.3   The political constructedness of the public sphere and legitimacy

In the two preceding chapters I have looked at Arendt and Habermas separately, however they do have a number of things in common, and in the following two subchapters I will look into some of these commonalities that will be especially important in the subsequent analysis of the UPPs.

First of all, they have in common the view, that the public sphere must be inter-subjectively, that is, socially constructed.[35] Thus, both action and will-formation describe processes that go on between human being, and where they *construct* communities, citizenship and rights, as opposed to receiving them either by virtue of a shared *nature* or a metaphysical deity or morality.

Our humanity conditions us for action and it is in action that we construct rights giving communities and become more than our bare humanity, namely citizens of these rights giving communities or peoples. In other words, it is in action in concert that we construct the public sphere with its rights and membership as citizens. It is in these processes that humans become socially constituted legal subjects who are part of relations as citizens and rights holders,[36] including a relation to a duty-bearer. Thus,

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[35] Here I do not intend to convey the meaning that Hannah Arendts gives to her use of the therm "The Social", that is, the colonisation of the public by the necessities fomerly restricted to the private sphere. Instead I use the term here in the common sense way of things that go on between individuals.
[36] Habermas, 1995, pp. 114.

action and will-formation is both what allows us to formulate our rights and claim them, instead of passively receiving externally formulated privileges granted as charity or as part of political clientelism.

The constructedness of legitimacy and the public sphere is also what grants human affairs their legitimacy. First, because it is what allows ourselves as humans and legal subjects of law to be simultaneously authors and addressees of law. And, second, because it is what allows for us to perceive of political procedures and action as *projects,* in the words of Habermas.[37] This is important because only in conceiving of political procedures as project, can we also conceive of them as *our* projects, which, for its part, is the prerequisite of legitimacy.

3.2.1.4 *The openness and frailty of action and will-formation*
Another of the commonalities to will formation and action, and one that is the consequence of their social constructedness, is their openness, frailty and unpredictability. This is because, since they are constructed by humans, they are matters of human affairs, and human beings are plural, which is why actions act upon actions in an unbounded web of reaction and actions by distinct human beings.[38]

Similarly, the discursive ethics Habermas proposes is inherently open. This is a functional prerequisite will-formation because of social and ideological pluralism **as** well as the fact that social and historical circumstances change. But, similarly to action, it also has the consequence of unleashing what Habermas terms the "whirlpool of temporality enveloping positive law."[39]

The desperation with the uncontrollable nature of action is what has inspired many of the philosophical and political projects trying to control this condition of human affairs and turn political action into something more appropriately described as making or fabricating, exemplified in the totalitarian and authoritarian projects ranging from the ideas of Plato, to the fascist belief in the malleability of society as a body or corpus. In other words, "the utopian hope that it may be possible to treat men as one treats other

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[37] Habermas, 1995, pp. 128.
[38] Arendt, 1998, pp. 190.
[39] Habermas, 1998, pp. 255.

material".[40] This is also the root of our fascination with the strong man who monopolizes action, thus ensuring its predictability by substituting rule for action.[41]

Another example is Rawls' focus on stability based on an artificial external construct constructed by the philosopher, that is, the original position.[42] Importantly for our present study, this is also the object of Arendts criticism directed at modern political science taking the form of national or political economy, according to which it is possible to treat the affairs of the public sphere as the affairs of the household, with the strict means end thinking that used to be isolated in this last sphere, but has now entered the public sphere, with the consequences that we see politics as the planning of a large household. [43] This relieves us of the frailty of action, but also impoverishes us as humans since it restricts our engagement with our own plurality.

I will come back to these and similar examples of attempts at controlling the public sphere in the conclusion to this theoretical chapter and in my further analysis

3.2.1.5   *What are the conditions for a public sphere to thrive*
In this chapter I intend to leave the public sphere and quickly delve into what I term the extra-institutional conditions for the existence of the public sphere. By this I refer to the conditions that are necessary for the inclusion of the subjects of law into the public sphere, where action and will-formation may take place without coercion. This is especially pertinent in the Brazilian context where, according to the Brazilian sociologist, Gabriel Feltran, the extreme social inequality, which is reproduced in the state, has as a consequence that the dispute for power and legitimacy cannot be reduced to the dispute as it takes place in institutionalized politics, but presupposes a prior dispute regarding the social legitimacy of political and social groups and their inclusion into the institutionalized processes of decision-making.[44]

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[40] Arendt, 1998, pp. 188.
[41] Arendt, 1998, pp. 222
[42] Habermas, 1995, pp. 121.
[43] Arendt, 1998, pp. 28-29, 305-307.
[44] Feltran, 2008, pp. 95.

In The Human Condition by Arendt, we find the conditions for the inclusion into the public sphere in the private sphere of the citizens of Athens, providing the conditions for free participation in the public life of the polis.

In the theory of Habermas, the condition for the public sphere to thrive is the private autonomy of citizens allowing for their free political participation, that is, their political autonomy. This private autonomy is, for its part, dependent on a minimal provision of social goods and services, as well as the protection of basic civil liberties.

Thus, whereas the above chapter has focussed on the freedom of the ancients, that is, the freedom to participate in the public sphere through the exercise of political rights, in the following I will look into what has been termed the freedom of the moderns. This has classically been understood as a number of negative first generation freedom rights, protecting the individual from the interference of the state and his peers.

However, Habermas and Henry Shue have argued that first generation rights are not solely negative, since they require the state to take positive steps to protect citizens from violations of their private autonomy by representatives of the state and/or third parties.[45] Also importantly, the protection of individual autonomy is not limited to first generation rights, since starvation, lack of education or exclusion due to shame may be as much a hindrance on the participation of the individual in the public sphere, as may be the "direct" violation of the individual's private sphere or his freedom to speak his mind openly. (A**MArTYA**) Thus, like the ancient Athenians, we must be relieved, of the twin burdens of necessity and dependency in order to freely participate in the public life of our political community. However, since the law should apply equally to everyone and aim at ensuring freedom *and* since law-making affects the private spheres of the citizens of a state, the public sphere should be open to all, and cannot rest on the exclusion of a part of the population.

To sum up, what can be described as the extra-institutional necessary conditions for the existence of a public sphere are the social conditions that allows humans to participate on their own independent terms. Thus, inclusion requires the state both to *respect* and

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[45] Shue, pp. 106.

refrain from violating the first generation rights of citizens, that is, to respect their civil rights and liberties, to take positive steps to *protect* these rights. Similarly, ensuring the private autonomy of citizens requires the state both to respect, protect and provide for social rights. In order for the protection of these rights to be efficient it requires the establishment of a public sphere with channels of interlocution where citizens can claim their rights and participate in formulating policies and rights. In this way, it is possible to secure both the private and public/political autonomy of citizens.

3.2.2   What becomes of citizenship and rights without a public sphere?

In this chapter I will look into some of consequences that arise when the public sphere is not constituted in the ways that I have described above and when the conditions necessary for inclusion are lacking, in doing this I will include some examples from the history of Brazil, some of which continue to have an effect today, including for the program of the UPPs.

As I have tried to explain in the above, the public sphere must be constructed politically, and the citizens who are also the legal subjects of the rights accorded in the process of action and will-formation must have a say in what their rights should be, in other words, how their inclusion in the legal community should take place. If this is not the case, said inclusion becomes something more adequately described as incorporation, by which I intend to say, the integration in an already constructed public sphere where the rights of its members have already been formulated.

This has a number of consequences, the *first* being the lack of legitimacy of the rights accorded, in which case they become more of privileges than rights. *Secondly*, there are number of practical consequence, some of which derive directly from the lack of legitimacy, such as the potential lack of *acceptance* by the subjects of rights, and some

of which are "secondary", but not less serious, such as the normalizing interventions that Habermas points out.[46]

To exemplify this, Habermas uses the feminist politics of equality and argues that the (initial) lack of participation by women in the formulation of the protection that they themselves should enjoy as rights in order to ensure their private and political autonomy led to the formulation of the relevant policies based on classifications inspired by traditional patterns of interpretation of gender roles.[47] In other words, the formulation of these rights was based on external, paternalistic categories, and the supposed needs deriving from these. Needless to say, this is problematic for the feeling of ownership and legitimacy, but it also a hindrance for the effective functioning of the policies, if their goal is to include women in the public sphere.

This is similar to what the Brazilian political scientist, José Murilo Carvalho points out in the Brazilian context, namely that the lack of civil rights guaranteeing the free participation in the public sphere where citizenship can be constructed by formulating and claiming rights, has as a consequence that the inclusion or incorporation into society tends to be on the premises of powerholders.[48] An example of this, which I will come back to is the incorporation through the category of worker, or, in Portuguese, trabalhador.

Before coming back to this example, I would like to sum up his argument about citizenship in Brazil more generally, as he has laid it out in the book, Cidadania no Brasil – O longo caminho, as it is seems to a large degree to be inspired by the thoughts of Arendt and Habermas on the subject.

Thus, one of his main conclusions in this books is that the extension of citizenship to large swaths of the population occurred as a part of top down political projects that only granted some of the three generations of rights. Specifically, he contrasts the British example where the magna carta and the introduction of civil and political rights preceded the introduction of social rights with the Brazilian example. His argument is

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[46] Habermas, 1998, pp. 263
[47] Habermas, 1998, pp. 263.
[48] Carvalho, 2001, pp. 61.

that there is a necessity to this sequential order, in the way that civil and political rights are necessary preconditions for coming together to claim and formulate social rights, which, as I have shown above, is a prerequisite for legitimacy and efficiency. However, in the Brazilian example the order was reversed, with the consequence that the enjoyment of these rights came to be seen by the citizens as privileges. This meant that citizenship took a passive and receptive form, facilitating political clientelism and other forms of regulated incorporation.[49]

Thus, the perception of the residents is also important for understanding the nature of this program, and see whether some of the same mechanisms are at play, as I will show later.

To come back to the example of the incorporation of the Brazilian working class, this occurred to a large degree during the administrations of President Getúlio Vargas, who was an extremely popular president and officer in the Brazilian military from the 1930's to his suicide in 1954.[50] The way it was done was inspired by the Italian fascists' Carta d'el Lavoro, which was, of course, predicated on a fascist, corporativist view of society. Thus, the workers were given social and political rights through their membership of state controlled, so-called yellow unions.[51] In other words, the recognition of workers as legal subjects entitled to claim their rights vis-avis the state was based on membership in a category that was formulated and controlled by the state, to the benefit of the market and social and political stability. In this way the state was able to control unions politically and socially. The individual workers, if they were members of recognised unions would receive a workers ID, which served as an important means for protection against employers and the state.[52]

This regulated incorporation of workers was continued during the military dictatorship from 1964 to 1985.[53] Importantly, although, the worker's ID and the yellow unions are not as important today as they were then, the category of worker continues to occupy a

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[49] Carvalho, 2002, pp. 110, 126.
[50] Carvalho, 2002, pp.131.
[51] Carvalho, 2002, pp. 60.
[52] Carvalho, 2001, pp. 112-113.
[53] Carvalho, 2002 , pp. 88.

distinct place in the Brazilian popular imagination of citizenship in such a way that "being a good worker" is considered by a large part the objects of a study by Dulce Chaves Pandolfi to be one of the most important duties of a Brazilian citizens,[54] while at the same time it is to some degree considered as being a condition for having your rights respected by the state.

3.2.3   Partial Conclusion

In the following I would like to quickly sum up the most important points of the body of theory that I have outlined above and make a connection to the following chapters where I try to apply this theory to the empirical data, that is, the favelas of Rio de Janeiro and the program of the UPPs.

The brunt of the argument is that citizenship and rights must be based on active participation by citizens themselves in an inclusive participatory process. This idea is embodied in both the idea of action in concert and will-formation. This makes necessary the provision of positive measures that can ensure the inclusion in participatory processes. This has consequence for policy on a number of levels. First, it requires that specific policies must seek to establish channels whereby the stakeholders in the relevant project can make their priorities heard and become owners and authors of the projects that affect their lives. Second, it requires the state to protect the private autonomy of citizens in order to ensure their political autonomy. In other words, it requires the state to respect, protect and provide for all the rights of all the generations of human rights.

Such measures are necessary both for legitimacy and for efficiency. They are necessary for legitimacy because participation touches at the question of sources of policy and rights. At the same time they are necessary for efficiency, that is, for the functioning of projects of public policy because the people affected by policies are the ones who know best what their needs are, and only when these needs are claimed as rights of subjects that are socially constituted through action and will-formation can they gain a degree of

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[54] Pandolfi, 1999, pp. 50.

sustainability, as opposed to the ephemeral nature of privileges accorded as part of part of power projects and other external interests.

Thus, in the specific context of the empirical object of this thesis, the question to be answered is threefold. First, whether the social and historical context of Rio de Janeiros favelas has facilitated and facilitates the inclusion of favela residents in the public sphere where they are allowed to participate as equal citizens, that is, socially constituted legal subjects. This question of conditions leads to a second, related question, that is, whether the "pacification" program with its effects on living conditions in the favelas, can facilitate the emergence of an inclusive public sphere. Whether this happens is dependent on the answer to the third part of the question, that is, whether the program includes channels for interlocutions allowing for the participation in its implementation and the adoption of the preferences of the stakeholders in the program, who are, primarily, the residents of the favelas, and the MPs of the UPPs. This is especially pertinent in the current crisis of legitimacy that the UPPs seem to be going through.[55]

4 The public Sphere and Citizenship in Brazil and Rio´s Favelas

If we are to take the ideas of Habermas and Arendt seriously, it is useful to inquire into whether or not favela residents as the subjects of the project that is the UPPs, have historically been allowed to participate in the constitution of the Brazilian public sphere. This is so since the UPPs have received their mandate from the Rio state government, and consequently it is relevant to look into the historical relation between the state and the favelas. Thus, in this sub-chapter I intend to outline the historical social and political context of the favelas. In order to see how this context has and still does influence the

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[55] Rodrigues, 2014, pp. 6.

potential for constructing real citizenship and rights that may be universally claimed by all inhabitants of the city of Rio in the different territories that comprise this town.

Drawing upon Hannah Arendt, Habermas and José Murilo Carvalho I argue that it is problematic to see favela residents as socially constituted legal subjects vis-à-vis the Brazilian state, which has unilaterally taken it upon itself to "save - resgatar" the favelas and their residents from the drug lords.

This is so for a number of reasons. First, the historical exclusion of poor black residents from the public sphere, which led the French biologist, Luis Couty to say that "Brazil doesn't have a people".[56] A people, of course, being the prerequisite for a sphere of the people, that is, a public sphere. And, second, this has to do with the institutional setup of the program in the form of its normative framework and structure.

I will first look into the social exclusion in chapter 4, 4.1 and 4.2. Then, in chapter seven I look into the institutional framework of the UPPs specifically.

4.1   History of Rio's favelas

The history of the favelas of Rio de Janeiro started with the morro da providência, which was established on a hill in the center of town. The first residents of this slum were the inhabitants of the famous tenement, Cabeça de Porco – The Pig Head, which was forcefully demolished in 1893 as part of large move to expel poor black people from the city center, justified by a discourse painting their tenements, popularly known as cortiços, as a danger to public health and security.[57] The inhabitants of Cabeça de Porco were later joined by veterans from the war against the Canudos who settled here because of the availability of unoccupied terrain, given the steep inclination of the hill. In other words, this was a place that the higher classes had not found interesting as a place for living. During the eighties Brazil saw increasing migration from the countryside to the cities, and from poorer parts of the country to the richer affluent

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[56] Carvalho, 2002, pp. 64
[57] Andrade & Monteiro, 2012, pp. 24.

South-East, including Rio de Janeiro. In particular, many migrants travelled from the North-East to Rio. Here they would settle on the hills and in the suburbs, that is, in áreas of little interest to the middle- and upper classes.

In this way the topography of Rio lead to a sharp distinction between what is commonly known as the hill and the asphalt referring to the fact that many favelas didn't use to have paved roads, and still suffer from a lack of and/or inferior quality of asphalting, and other public and private services, such as public transportation, etc.[58]

In the eighties and nineties, with the advent of the highly lucrative cocaine trade, the drug-traffickers started to acquire heavy arms, often from the police, establishing a para-military territorial control over the of the favelas.[59] Thus, the favelas would see violent clashes between rivalling drug gangs as well as between the police and these drug gangs, especially the military police. During this period, the favelas also started to be referred to as "communities", despite of their high levels of social and cultural diversity,[60] thus contributing to an essentializing ideology of a homogenous otherness both from within and without. The drug lords came to be known as "Donos do Morro" – *the owners of the hill* and would impose a system of harsh punishment for theft, "snitching" and other transgressions of their code of conduct,[61] while also distributing food to poor families. Much of their perceived legitimacy vis-vis the favela residents was based on these rules and charity. This is important for the analysis of the UPPs because the legal code of the state, which to some degree enters with "pacification", has historically not been imposed in the favelas, where people would instead recur to the drug gangs and other informal means of solution to interpersonal conflicts, infrastructural necessities and services, etc.[62]

The military police engaged in a war on these factions, inspired by an ideology of the enemy within,[63] and the discourse of the war against drugs. Together with the war

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[58] Jovchelovitch & Priego-Hernandez, 2013, pp. 37-38.
[59] Jovchelovitch & Priego-Hernandez, 2013, pp. 42-43.
[60] Zaluar, 2007, pp. 39-40
[61] Rodrigues & Siqueira, 2012, pp. 44-45
[62] Rodrigues, 2014, pp. 2.
[63] Jovchelovitch & Priego Hernandez, 2013, pp. 97.

between factions of the drug gangs, this contributed to a steep increase in death rates among black male Youth of up to 400 pr 100.000.[64] A large part of these were the victims of the Military police, deaths that usually would be, and to this day still are, registered as the so-called *autos de resistência*, rarely being investigated properly, because they are administratively justified by legitimate self-defense or the attempted escape of a suspect. Thus from 2001 to 2011, 10.000 people, killed by the police in the state of Rio de Janeiro, were registered under this label.[65]

The violence of the drug gangs who were allowed to take hold of the favelas was one of the reasons for their stigmatisation in the eyes of the upper- and middle-classes of Rio, as well as the military police soldiers (MPs). Thus, in the eyes of these actors, the favelas and their residents came to be associated with the drug trade, danger, risk and violence.[66] This partly took the form of an ideology of contamination through physical and geographical proximity.[67]

This, again, lead to the escalation of violence, epitomized by the violent and often indiscriminatory incursions of the military police. Race is also a factor in the exclusion and stigmatisation of favelas residents, who are, in their majority black or brown descendant of enslaved Africans, and experience racism on a regular basis.[68] To the factors of race and violence, poverty is added as a mark, stigmatizing favela residents in the eyes of the asphalt.

The social exclusion of favela residents was exacerbated by the political exclusion from the public sphere, since, until the return of democracy in 1988, illiterate people were restricted from voting in Brazil.[69] In some cases, there were attempts at forms of controlled political incorporation or clientelism, as I will come back to **later.** Thus, to sum up, the history of exclusion takes a both territorial and social form, with the

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[64] Jovchelovitch & Priego-Hernandez, 2013, pp. 43-44.
[65] Misse, 2011, pp. 4
[66] Jovchelovitch & Priego.Hernandez, 2013, pp. 74.
[67] Rodrigues, 2014, pp. 8
[68] Jovchelovitch & Priego-Hernandez, 2013, pp. 139-140.
[69] Carvalho, 2002.

occupation of distinct geographic spaces that acquire specific infrastructural and social characteristics, such as the advent of a parallel "legal" system.

4.2   The Presence of Death

As mentioned above the clashes between drug gangs and between police and drug gangs, caused extremely high death rates. This also had an important influence on the public sphere because of the restrictions that the imminent risk and awareness of death poses on planning and the building of projects for the future.[70]

Thus, in *On Violence*, Hannah Arendt mentions death as one of the most a-political experiences. This is due to the fact that death:

> *"signifies that we shall disappear from the world of appearances and leave the company of our fellow men, which are the conditions of all politics."*

And for this reason:

> *"Death indicates an extreme of loneliness and impotence".[71]*

In other words, the a-political character of death stems from the way it limits our social and temporal horizons, and consequently our ability to "act in concert" as part of projects of "will-formation", to paraphrase Arendt and Habermas.

The constant presence of death and the risk to physical security of the inhabitants of the favelas, especially before the installation of the UPPs, was a consequence of the abovementioned war between factions, and, primarily, the police invasions.

The influence of the presence of death is well captured in the expression of one of my informants. When asked about the difference between the drug traffickers and the police officers of the UPP, she first says that now

- "everybody enters and leaves without trouble, and they don't stop or frisk them, things like that."
- *And the "boys" before did they stop and frisk people?*

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[70] Jovchelovitch & Priego-Hernandez, 2013, pp. 74.
[71] Arendt, 1969, pp. 67-68.

- "Yea.. there was a certain.. I think it was even a certain worry."
- *Worry, how?*
- "Eeemm… regarding who it is that enters the favela."
- *Mmmm, I get it, I know.*
- "But I, I like– I have never liked to get involved, so I have always been – as I said – not one side, nor the other, I have always been like that. I stick to myself without.. trying to know or observe too much, cause I don´t really like that.. from.. from here I go home, from home I go to work.. I am very much like… I have never been.. I have always been like this..[72]"

The purpose of writing out this part of this interview is to show how, the ability to "get involved", that is, to participate and to act and to inquire into what takes place in the public sphere is influenced by the presence of death in the guise of heavily armed drug traffickers.

Nevertheless, this presence in a part of my informant's life, is not regarded as something that she ought to know about, or inquire into. Thus, the fact of having heavily armed youngsters or policemen control your neighbourhood, and even who leaves and enters is not regarded by the interviewee as something that she has or even "likes" to inquire into. This is important because the lack of inquiry into the state of things, forfeits any possibility of acting upon the world, upon reality. That is, if we cannot inquire into the world and into our fellow human beings, we cannot act in concert or construct plans and projects for the future.

Instead she keeps to herself, on her way to work, because that is how she is. The use of the verb to be as in I have always been like that indicates the level of internalization, normalization of not seeking to know what is not your "business". One might even say that this is an "ethics", imposed by the drug traffickers. [73]

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[72] Semistructured recorded interview with female resident of a favela in the South Zone, Original interview conducted in Portuguese.
[73] Rodrigues,2012, pp. 190

The influence of the presence of death on sociability and communication is also expressed by a resident of Morro da Providência, who put it this way: "Head for thinking, ears for listening and mouth for not speaking".[74]

These accounts of the presence of death are important because they illustrate how this presence limits the public sphere by limiting the ability to communicate openly. In the first case it does not just limit the ability to communicate, but also to seek information, exactly because my informant does not consider it part of her sphere. On the contrary, the public sphere is not even considered as something she should have a say in, or even inquire into. Instead the public sphere is someone else's domain, in this case the traffickers.

Thus, the presence of death influence both the social/political and temporal horizons of those living in its shadow, in this case favela residents. This is so because we, as human beings, need to inquire and communicate in order to act in concert in space and time, which, for its part is the prerequisite for forming equalizing political communities and a public sphere.[75]

The presence of the drug gangs was also on a more practical level a hindrance to any attempt at asking for the political will of the favela residents regarding the UPPs, that is, did they actually want the UPPs? This is so because of the punishment for going to the police.

4.3   Partial Citizenship

The context that I have outlined above is important, because the deprivation of civil and social rights for favela residents posed problems for the development of a public sphere in the favelas and for the participation of favela residents in the public life of the "asphalt", which was where the state and police derived their legitimacy from. Thus, the argument of José Murilo Carvalho, regarding the sequential order of the introduction of rights, is relevant in a number of ways. First, his argument is generally applicable to the

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[74] Rodrigues, 2012, pp. 190
[75] Arendt, 1998.

inclusion of poor people in Brazilian society, and how this inclusion throughout Brazilian history has been part of, top down political projects, where the lack of popular participation in the formulation of such projects has resulted in them being privileges rather than rights,[76] with the consequence that they have often been pulled back according to election cycles, or other contingencies outside of the immediate sphere of influence of their subjects. In the favelas this scenario is exacerbated by the abovementioned violations of the civil rights to personal security, private life and freedom of expression, as well as the social, economic and geographic exclusion and of favela residents, with the consequence that they weren't allowed to participate in free and un-coerced discourse and will formation in a shared public sphere.

This caused the inclusion of favela residents to take the form of incorporation on the premises of powerholders aimed at either, removing or normalizing the favelas or harvesting their political support for short term political projects. An example of such political clientelism in the specific contexts of the favelas is exactly the residents' associations that were introduced as part of an attempt to control the political life of these communities.[77] This shows us the relevance of the idea of the interdependence of human rights in that all human rights are important for the development of a public sphere and effective political participation.

4.4   Partial Conclusion

The context that I have outlined above is important for the purpose of the present study of the UPPs because the violence and has had the effect of both to some degree hindering the development of an open public sphere inside the favelas while also stigmatising and excluding the favelas and their residents from the public sphere in general. In this way, by depriving favela resident of their private autonomy, which should have been secured by the fulfilment of their civil and social rights, they became

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[76] Carvalho, 2002, pp. 114.
[77] Casanova et al., 2012, pp. 54.

partial citizens whose public autonomy was also stymied, leading to forms of political incorporation that did not allow favela residents to participate in formulating and claiming their rights as citizens. Instead public policy was, and still is, often aimed at "silent" favela residents, whose priorities are not heard or implemented.[78]

According to Carvalho, who analyses the Brazilian context in general, this has meant that rights instead have taken the character of privileges,[79] and consequently citizenship became passive and receptive.[80] In other words, the relationship between the residents of Rio's favelas and the state does, to some degree, not take the specific form of a relationship between a socially constituted rights-bearer on one side with a duty-holder on the other, in which the rights holder has both had a say in defining his/her rights and can claim these rights vis-à-vis the duty-bearer.

However, important counter movements have also emerged, especially during the last twenty years, such as Afro Reggae and the Central Unica das Favelas. These organisations have been creative agents in turning around the the social and racial stigma attached to the favelas by, among other things, highlighting person life stories of strength, agency and overcoming in the face of the abovementioned conditions.[81] This is important to stress, in order not to fall into the trap of seeing favela residents as passive victims without the capacity for agency. The recent protests against killings and disappearances in the Rocinha and Pavão-Pavãozinho favelas are also indications of the political and social agency of the favelas and their residents.

5   A History of the UPPs

In this chapter I intend to give a brief outline of the history of the implementation of the "pacification" Program. The history of the project is important in as much as it allows us to identify factors that have influenced the implementation and progress of the

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[78] Rodrigues, 2014, pp. 2
[79] Carvalho, 2002, pp. 114.
[80] Carvalho, 2002, pp. 126.
[81] Jovchelovitch, 2013, pp. 120-124.

project, other than the ostensive purpose to "rescue the citizenship"[82] of the inhabitants of Rio's slums.

After six years in existence, starting out as a small experiment in the Santa Marta Favela, the UPPs currently number 37. According to José Mariano Beltrame, the Secretary of public security of The State of Rio de Janeiro, the program arose out of a realization that the former policy of violent invasion followed by temporary occupation was ineffective.[83] However I argue, like other researchers, that it was not so the political identification of an inadequate policy, as the political identification of a number of new needs, due to the prestige project undertaken by the government, including the World Cup, The Olympics and the project of urban renewal known as Porto Maravilha – the marvellous port.[84] In other words, due to the lacking inclusion of favela residents as socially constituted legal subjects, their rights are instrumentalised for political and economic interests, in particular the two upcoming and ongoing mega sports events, that is, the Olympics and the World Cup, as well as the valorisation of the investment potential in real estate and tourism.

This is why the following chapter will be focussed very much on the geographical expansion of the UPPs over time, coupled with national political decisions and the decisions of the FIFA and the International Olympic Committee electing Brazil as host country for the abovementioned events.

Thus, the first UPP was installed in the favela, Santa Marta, in November 2008. This favela is relatively small with a current population of 3908 residents according to official numbers.[85] It is situated in the affluent South zone with a privileged view, and at the bottom of the hill a yellow stand announces the possibility of taking tours with local

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[82] Government of Rio de Janeiro & Unidade de Polícia Pacificadora, Veio para ficar, Index: as_upps (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps (consulted on 07 June 2014).
[83] Government of Rio de Janeiro, UPP Came to Stay, 29 April 2013, Index: as_upps_us, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[84] Cano et al., 2012, 23-26; Carvalho, 2012, pp. 173; Andrade & Monteiro, 2012, pp. 30.
[85] City Hall of Rio de Janeiro & Instituto Pereira Passos, Territórios, Index: territórios/Santa Marta (public), No specification of date, available at http://uppsocial.org/territorios/santa-marta/ (Consulted on 07 July 2014).

guides that have received training in being tourist guides, as well as the different tours that are available.[86] This UPP was followed by four UPPs in the first half of 2009. In City of god favela (West-zone), Batan(West-Zone), Chapéu-Mangueira(South Zone) and Babilônia (South Zone).

However, the expansion of the UPPs only started to gain momentum from the end of 2009, starting with the UPP in Pavão, Pavãozinho and Cantagalo(South Zone) on December 23 2009.[87] This can be explained by a number of factors: First, the Mega project, "Project Marvelous Port", was approved by the government of Rio in June 2009;[88] and, second; the International Olympic committee elected Rio as host city for the 2016 games on 02 October 2009.[89] The timing of the expansion of the program thus seems to be provoked by these two prestige projects.

As for the geographic distribution of the UPPs it started out focussing on the South Zone with the largest touristic potential as well as the area around the stadium, Maracanã. Maracanã is also where a number of the matches for the 2014 FIFA World are being played. Thus the pacification of the favelas here seem to have been caused by the need to ensure the security of the spectators for the FIFA World Cup, and open up some of the favelas with the largest potential for tourism and real estate development to tourists, to the state and the Brazilian middle- and Upper classes.[90]

In the last two years there has also been an accelerated move towards an expansion to the north, which can partially be explained by the need to pacify a number of transport routes, including the Jão Goulart highway leading to the center of town from the international airport, and passing by the agglomeration of favelas known as Complexo da Maré, as well

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[86] Field notes

[87] Government of Rio de Janeiro & The Pacifying Police Units (UPPs), History, Index: historico_us (public), no date specified, available at http://www.upprj.com/index.php/historico_us (consulted on 03 July 2014).

[88] Andrade & Monteiro, 2012, pp. 23.

[89] International Olympic Committee, Rio de Janeiro Elected As 2016 Host City, Index: rio-de-janeiro-elected-as-host-city-for-2016/ (public), 02 October 2009, available at http://www.olympic.org/content/news/media-resources/manual-news/1999-2009/20091/10/02/rio-de-janeiro-elected-as-host-city-for-2016/ (consulted on 16 June 2014).

[90] Siqueira & Rodigues

as The Manguinhos and the Jacarézinho favelas.[91] The occupation of these favelas, however, takes a very different and more militarized form. Most notably, the Complexo da Maré has been under permanent occupation by a military force of 2700 soldiers since the beginning of April 2014, and until the end of the world cup, when the area is supposed to be receiving a UPP.[92]

The highway is also projected to be sealed off by an acoustic barrier, which has been denounced as a segregation project to hide the view of the favela from the drivers on the highway by it.

It is also important to notice that the timetable combined with the geography gives the picture of an attempt to avoid violent clashes in the favelas in the South Zone. This could only be done by prioritizing these at the beginning of the program, when the drug trafficking faction did not yet see the program as an existential threat to their business. Thus, the decision to start out with favelas in the South Zone allowed for the traffic to migrate, leaving the more violent clashes to take place later and in favelas with less international visibility and outside of the affluent South Zone.[93]

This differentiation between favelas that serve as models and places for tourist excursions, as well as real estate speculation, on one hand, and favelas where the UPPs are little more than the armed branch of the state, on the other, is facilitated by the lean normative structure of the program, which I will come back to in my chapter on structure.

In the West Zone, which is one of Rios poorest and most violent, untill recently only two UPPs had been installed, that is, Cidade de Deus (on 16 February 2009), and Jardim Batan (on 18 February 2009). On 23 May 2014 The favela known as Vila Kennedy received a UPP.[94]

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[91] Barreira, 2014, pp. 11.
[92] Roque, 2014.
[93] Barreira, 2012.
[94] Government of Rio de Janeiro & The Pacifying Police Units (UPPs), History, Index: historico_us (public), no date specified, available at http://www.upprj.com/index.php/historico_us (consulted on 03 July 2014).

Out of these three cases, two correspond to specific circumstances. Thus, in Batan, the "pacification" was caused by the public impact of the media attention on the case of torture by the local militia of a group of journalists doing a report on the area.[95]

In the favela, Cidade de Deus, the installation of a UPP happened on the initiative of a local commander of the military police.[96] The (international) public relations value of this favela should probably also not be underestimated, due to the movie *City of God.*

In other words, the decision to pacificy these two favelas, is not based on a claim right held by residents based on objective criteria. Thus, while outside the touristic South Zone, the "pacification" of these favelas are not based on the agency of their residents, but correspond to circumstances outside of the control or immediate interest of the people that they are supposed to benefit.

As for the vast region of Rio known as Baixada fluminense, it recently received its first UPP in Mangueirinhos.[97] This region is not part of the City of Rio de Janeiro, but is one of the most violent regions in the metropolitan área, thus being conspicuous for its near absence in the processo of pacification. However, it should be noted in this context that the city hall pays the bonus to the UPP MPs.

From the brief history of the program outlined above there are some notable red threads. First, the lack of criteria based on an internal need or claim for the selection of favelas to be pacified; As a consequence, the distribution is geographically selective, corresponding to the needs of middle- and upper-class citizens living in the affluent South-Zone, the needs of the tourists visiting during the world cup and the 2016 olympics, and the political prestige project Porto Maravilha, with a few exceptions, that correspond to particular events or circumstances. This is problematic, if it causes the project to ignore the spread of violence and migration of crime to other areas that don't have the same political or economic interest to the politicians in the state government.

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[95] Cano, 2012, pp. 25.
[96] Cano et al., 2012, pp. 25.
[97] Government of Rio de Janeiro, Department of Security, Segurança UPP - Unidade de Polícia Pacificadora, Index: exibeconteudo?article-id=1349728 (public), 26 May 2014, available at http://www.rj.gov.br/web/seseg/exibeconteudo?article-id=1349728 (visited on 02/06/14).

However, the government has vowed to extend the program to the entire state of Rio.

Third, the potential for repeated invasions by the military and the Battalion of Special Operations (**Bope)** when the "pacification" cannot be controlled by the UPPs, as in the case of the Complexo do Maré.

This recourse to relatively more open physical violence is also a question of legitimacy, the difference between power and violence, and the lack of participation by residents in the decision to occupy, and how. This is at the root of some of the recent violent episodes not just in Maré, but also in the South Zone, where the apparent Murder of a resident led to protests and another death - A mentally handicapped man participating in demonstrations who was shot in the head by the Military Police.[98]

Thus, as Arendt states,

"any decrease in power is an open invitation to violence – if only because those who hold power and feel it slipping from their hands, be they the government or be they the governed, have always found it difficult to resist the temptation to substitute violence for it" [99]

Thus, due to the lack of participation of all stakeholders in the power to decide how, when and whether or not, to occupy, power is contested by the excluded, prompting violent reactions by the police, with the risk that the outcome of the program may still be more violence.

The recent crises of legitimacy and resurgence of violence may be an indicator of this risk, and it is also important to note that during the first trimester of 2014 as compared to the same period of 2013, the number of people killed in confrontation with the police has risen by 67%,[100] or, in absolute numbers, from 96 to 152 persons killed by police in

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[98] Amorim, 2014.
[99] Arendt, 1969, pp. 87.
[100] Froio, 2014.

the State of Rio de Janeiro,[101] whereas in the City of Rio de Janeiro it rose by 19 in the same period. That is, from 57 to 76 people killed by the police.[102]

As mentioned above, Karl Schmitt argued that, the separation of the subject of a claim from the agency enforcing it has the consequence of making the use of force in the name of the claim, arbitrary and decided by power (real politik), rather than principle.[103]

Similarly Arendt argues that such application of force results in privileges in some cases and injustices in most. In the case of the UPPs the geographical selectivity of the program, that is, the fact that only some of Rio´s violence and poverty ridden favelas, and not the poorest or the most violent receive UPP´s seems to corroborate Arendts q

At the same time, if we look at the distribution of these favelas, and the political and economic project of the state of Rio de Janeiro, Schmitts thesis seems to be corroborated, that is, there is a project behind the installation of the UPPs. A project which is distinct from the purported benevolent freeing of the favela residents from the bonds of violence and poverty.

As for Arendt, another of her criticisms of rights not grounded in socially constituted legal subjects was their ephemeral nature. This is mirrored in the widespread concern among favela residents about the duration of the program. Thus, the top – down political nature of the program makes it vulnerable to electoral cycles. This is not specific to the program of the UPPs. On the contrary, the lack of continuity is a general historical characteristic of the policies of the state and shifting governments in relation to the favelas.[104] This is also echoed in the word of one police officer interviewed by the researcher from ISER, who says that,

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[101] Department of Security (Seseg) &Institute for Public Security (ISP), Summary of first trimester of 2014 for the State of Rio de Janeiro, Index: /isp_imagens/Uploads/201403totalestado.pdf (public), available at http://arquivos.proderj.rj.gov.br/isp_imagens/Uploads/201403totalestado.pdf (consulted on 05 July 2014).
[102] Idem, Summary of first trimester of 2014 for The City of Rio de Janeiro, Index: /isp_imagens/Uploads/201403totalestado.pdf (public), available at: http://arquivos.proderj.rj.gov.br/isp_imagens/Uploads/201403totalestado.pdf (consulted on 05 July 2014).
[103] Chandler, 2009 , pp. 116
[104] Carvalho, 2012, 181

"the policies of the government are temprary, no one wants to continue the policies of the former government,. Everyone wants to employ their measures and not those of their predecessors"[105]

This is also interesting if we think about the prestige that the current government has gained from the program and the landslide victory of Cabral. There is thus an identification with the specific government and its policies This identification is actively promoted by the government, inter alia in the video, UPP came to stay(but in English..!!)(clientelism..).

This risk is aggravated by the fact that the World Cup and the Olympic Game that are among the political motivations for the installation of the program, are both prestige projects with a limited duration in time, thus making the UPPs vulnerable to being drawn back after their conclusion, if not in whole, then partially**.(MOVE to five)**

The perception that the program is linked to the world cup, and that it is for votes is widespread among residents and police significantly influencing its perceived legitimacy. Thus, 70 percent of the police officers interviewed in the study os novos donos do morro agreed that the program was implemented to guarantee security for the world cup, 68% thought it had been implemented for the middle-class, 65% thought it was for votes and 57% believed it would not resolve the problem of crim, but only relocate it. This last assertion is especially interesting considering that many MPs live in the suburbs, where there are no UPPs, but a risk of increased violence. (**MOVE TO 5!!)**

6 Discourse

In the current chapter I intend to analyse the official discourse of the Military Police and the government and politicians, focusing on the official web-page of the UPPs,[106] and

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[105] Martins, Isis Ribeiro, 2012, pp. 204
[106] Government of Rio de Janeiro & The UPPs, Official Website of the UPPs (Public), available at http://www.upprj.com/ (consulted on a continued basis from April to July 2014).

their official twitter account.[107] In doing this, the history and social conditions described in chapter 4 are relevant because these conditions, and especially the brutality of the drug gangs, are appropriated by the discourse constructing the favela residents as victims, and, in so doing, stripping them of the agency necessary for citizenship.

At the same time violence, poverty and exclusion causes a perception of a necessity of controlling the favelas and their residents, as I will show in 6.1.2. This is important because the discourse appropriates these historical and social conditions in order to construct the actors, which, again, has consequences for practice, as I will come back to in the chapters on interaction between police and residents.

6.1.1   Victims and Saviors

In analysing the official discourse regarding the UPPs I am inspired, at the same time by Arendt's theories concerning the human capacity for action and promise, which I combine with a narrative analysis. I argue that much of the discourse takes the form of promises directed at someone, whether this be the favela residents, the middle and upper-classes, or potential tourists. Thus, in a quote posted on the UPP webpage, the chief commander of the UPPs, Cournal Frederico Caldas, says that the UPPs represent the "consolidation of the *pact* between the *military police* and the *citizens.*"[108] (my italics).

According to Arendt the act of making a promise has the ability to open up space for action if the promise is met by forgiveness from the other. This is so because forgiveness relieves humans of the otherwise endless spiral of vengeance for past transgressions, such as the violence committed by the military police, and allows them to act in concert towards an open future characterized by a plurality of possibilities.[109] In this way the faculty of promise can also work to counter the frailty of action by

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[107] The UPPs, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media (consulted on a continued basis from May to July 2014).
[108] Government of Rio de Janeiro & The UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[109] Arendt, 1998, pp. 244-245

creating "islands of certainty".[110] In the context of police-favela relations, such islands of certainty could potentially open up spaces for action and willformation.

While promises have the capacity for opening up the possibility for action, because they may relieve us of the duty to avenge, narrativity has the effect of both justifying specific forms of action, while at the same time limiting the field of imaginable actions. This is so because of the rigid and simplistic distinctions that are characteristic to narratives.[111] Including distinctions between good and evil, before and after, etc. In this way narratives have the effect of justifying and giving a sense of necessity to a specific policy or action *(here used in its common-sense way)*, by painting the actors as belonging to distinct symbolic categories.

Thus, one of the criticism of the program has been the way it has been presented, and the excessively laudatory character of the presentation to the Brazilian public and abroad, as something completely new, even the ushering in of a new era of peace and citizenship, and the salvation of the favela residents.[112]

Related to this problem is the fact that the terms used to describe the project and its aims are imprecise and vague.[113] Thus, in the adds from the government released on tv and radio the terms "peace" and "pacification" are associated with terms such as freedom and happiness. These vague terms are specified in the rights that the UPPs help fulfil, consisting of both civil and social rights, such as the right to education, health, to raise your child etc. An example of this is an institutional commercial shown on Brazilian television, in which a police car enters a favela and, upon opening the door, people dressed as doctors, engineers and teachers come out of the vehicle.[114]

 Importantly, there is an emphasis on the right to these services, and the terms rights and citizenship are frequently used. Thus, one photo on the Twitter-page of the UPPs show a group of children with kites with the name of the favela and UPP painted on them. In the front of the picture is a stand with more kites and on a poster on the stand it says (in

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[110] Arendt, 1998, pp. 244.
[111] Caldeira, 2000, pp. 19-20.
[112] Rodrigues and Siqueira, 2012, pp. 13.
[113] Rodrigues & Siqueira, 2012, pp. 13
[114] Rodrigues & Siqueira, 2012, pp. 12

Portuguese): "UPP'*EACE* – every citizen has the right to peace"[115]. In this way peace is presented as a necessary precondition for the other rights of citizens and is attributed to the UPPs, since the letters UPP at the beginning of the word peace are in the font of the UPPs. This attribution of the peace to the UPP, and the link to the exercise of citizenship and rights is also conveyed by the cartoon/book, UPP – the Conquest of Peace, written and drawn by the cartoonist Ziraldo and published on the official webpage of the UPPs.[116] First, it is important to note how the title associates the program with "the conquest" of peace. In the cartoon we follow a child from the favela, painted in a light skin colour and wearing a T-shirt saying "citizen", who is walking down the stairways of a favela with his schoolbag. First he walks by some graffiti showing dark-skinned people with guns, he frowns, and the text says "soon it will be over forever with fear, insecurity, distrust, war and fake friends and heroes."[117] Afterwards, the child walks by a sign saying UPP, which he looks at smiling, and the text says, "now we can go to school in peace."[118] The book goes on to mention the right to play in peace and come and go. These rights are linked to the UPPs by the depiction of two smiling MPs who come up the stairways, as the text say, "now we can count on our true friends" and "they were the first to arrive."[119] The MPs are unarmed, in contrast to the MP's manning the UPPs who are generally heavily armed with high calibre weapons, often drawn from their holster.[120] Following in the footsteps of the MPs, we see a teacher, a doctor, a lawyer, and other public/private service providers.[121]

In other words *what* is being promised is "peace" as a right inherent to citizenship, and as the necessary condition for the exercise of other rights, such as social and economical rights. At the same time, the discourse tends to link these rights to the pacification and the UPPs and to services carried out by, or in cooperation with, the UPPs.

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[115]Unidade de Polícia Pacificadora, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media, Direct linkl to Photo: pic.twitter.com/r1oJD5BqhM (consulted on 02 June 2014).
[116] Ziraldo, 2011, Available on http://www.upprj.com/index.php/multimidia (consulted on 12 July 2014)
[117] Ibidem, pp. 12-13.
[118] Ibidem, pp. 14.
[119] Ibidem, pp. 20-21.
[120] Field notes; Martins, 2012, pp. 197.
[121] Ibidem, pp. 23-25

Thus, the official twitter account of the UPPs features prominently pictures of policemen carrying out social and cultural activities of different kinds, such as donating books;[122] donating food,[123] donating toys and candy to children;[124] taking children to the theater;[125] and promoting sports activities, especially with children.[126] These pictures show either the building of the UPPs where the distribution is taking place or smiling residents with their baskets and bags of food, or at the theater, photographed together with smiling policemen and texts that say, e.g., "MPs from # UPPSalgueiro donating food to families with income below the minimum salary during #EasterOfPeace".[127] Here, through social media, an identification between the Military policemen, the UPPs and social benefits and rights is promoted.

The government and its representatives are also featured, and one video shows a family that has received a house. The video shows the family smiling and the wife says that she is "very happy". The video also features the Vice-governor, Luiz Fernando Pezão who states his happiness with being able to bring this peace of mind to these people, who waited for a long time. The sound track is generical feel good guitar music and under the video the text says: "State government hands over houses in Pavão-Pavãozinho".[128] The focus on the representatives of the government, who, together with the UPPs, monopolise the "pacification" is particularly interesting in light of the Brazilian history of clientelism.

Another of the social activities which is stressed in the official discourse is the work carried out by police officers with children. This work is also stressed by the police

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[122] Unidade de Polícia Pacificadora, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media, Direct links to Photos: http://t.co/RYDvywoCo0 & http://t.co/3ioBNYGgIy (consulted on 10 June 2014).
[123] Idem, direct links to Photos: http://t.co/aGledso8sM & http://t.co/Rz7fEflZJT & http://t.co/dPczjK4p1W (consultedon 10 June 2014).
[124] Idem, direct links to photos: http://t.co/ahrDj9QDfF & http://t.co/HIL2zCFYKX (consulted on 10 June 2014).
[125] Idem, direct link to photo: http://t.co/tIW2ZF7Lvo (consulted on 10 June 2014).
[126] Idem, direct link to photo: http://t.co/EVvARY11Ww (consulted on 10 June 2014).
[127] Idem, direct link to photo: http://t.co/aGledso8sM (consulted on 10 June 2014).
[128] Idem, direct link to video: http://t.co/eEbTrdAE4t : (consulted on 10 June 2014).

officers themselves,[129] and it consists mainly of sports classes, martial arts classes, outdoors activities and school tutoring inter alia.

Thus, both the Portuguese and the English language version of the website and the Youtube channel of the UPPs exhibit a video named *UPP Came to Stay* [130] available in both Portuguese and English which stresses the social work, especially with children, and around 11 minutes in we see several depictions of children playing; a police officer handing a pink toy to a small girl, as well as a female police officer reading to children while the voice-over says that from being "a symbol of confrontation alone, went back to being a partner of the citizens."[131]

12 minutes and twenty seconds into the video, a male resident of Copacabana is interviewed and says there is a "radical transformation" in the pacified favelas, with the entrance of "social projects" and that "children are motivated to practice sports".[132] At the same time we see a man wearing a red and white Santa Claus top hat and a woman wearing T-shirts saying "christmas of Peace in the UPPs" and handing out presents while Police officers stand behind them; we see police officers overlooking sports classes; a police officer playing music with two children; a woman reading with children, and a police officer holding and smiling to a small child.[133]

Through this ideography the UPPs are pictured as the "saviors" of the favelas, which is stressed by how they "save" the children, who are the victims of poverty and the criminal gangs, and perhaps the most perfect victims, due to their perceived innocence.

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[129] Cano et al.,2012, pp. 128

[130] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014); Government of Rio de Janeiro & UPPs, *UPP Veio para ficar*, Index: as_upps (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps (consulted on 07 June 2014); UPPs, official Youtube channel: *UPP Came to stay*, Index: /watch?v=Zi_E_ragR64 (public), available at https://www.youtube.com/watch?v=Zi_E_ragR64 (consulted on 08 July 2014).
UPPs, Official Youtube Channel: *UPP – Veio para ficar*, Index: /watch?v=Ud-MRBYkRSw (Public), 21 May 2013, available at https://www.youtube.com/watch?v=Ud-MRBYkRSw Consulted on 08 July 2014;

[131] Ibidem

[132] UPPs, Official Youtube Channel: *UPP – Veio para ficar*, Index: /watch?v=Ud-MRBYkRSw (Public), 21 May 2013, available at https://www.youtube.com/watch?v=Ud-MRBYkRSw (Consulted on 08 July 2014) & UPPs, Official Youtube Channel: *UPP – Came to Stayr*, Index: /watch?v=Zi_E_ragR64 (Public), 21 May 2013, available at https://www.youtube.com/watch?v=Zi_E_ragR64 (Consulted on 08 July 2014)

[133] Ibidem

At the same time interviews with residents stress the program as being "wonderfull" (5: 40) and "the way I have always dreamed it would be"(14:15).[134]

The discursive construction of the police-officers as strong men and saviours also appropriates the figures of national and international celebrities. E.g. in the photos on the Twitter page of the UPPs and their official website. Thus, the Brazilian martial arts athlete, Kleber Orgulho is pictured on the Twitter-page during a visit to the Fazendinha Favela.[135] Two other pictures on the Twitter page picture the Pope during a visit to the Manguinhos favela.[136] Finally a photo shows "*the star*" Arnold Schwarzenegger posing with children in the martial arts program during a visit to the Morro da Providência.[137] In this way the UPPs are associated with the strong hero who saves the day, in other words, who saves the favelas from the drug lords. One Twitter-user has posted a comment to the Photo with the following wording: "Need you to visit Caramujo in Niterói, Rio de Janeiro. We can use your expertise down here, specially in security!"[138](Sic) Here we see how the perception of the strong man coming from outside to save the favelas from the drug lords is not limited to the presentation of UPPs, but has an audience in the population. I will come back to this in my chapter concerning the relations between policemen and residents. Other famous figures who are presented in connection with the UPPs are Hillary Clinton and Michelle Obama, who are featured in the video, UPP – Came to Stay, during the awarding ceremony of Major Priscilla da Silva for the International Women of Courage Award.[139]

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[134] Ibidem

[135] Unidade de Polícia Pacificadora, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media, Direct links to Photos: pic.twitter.com/ZNQjVtZ9TV (Visited on 02/06/14).

[136] Ibidem, direct links to photos: pic.twitter.com/Q71Or6jRah and pic.twitter.com/UEYBDYYtrY (Visited on 02/06/14).

[137] Ibidem, direct links to photos: pic.twitter.com/exlSWScpB2 (Visited on 02/06/14)

[138] Unidade de Polícia Pacificadora, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media, Direct link to Photo: pic.twitter.com/exlSWScpB2 (Visited on 02/06/14)

[139] Government of Rio de Janeiro & Unidade de Polícia Pacificadora, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).

The presence of strong men and mythical figures is also exemplified by the visit of a Santa Claus with the colours (Blue and white) and insignia of the military police to the favela, Camarista Méier.[140] This narrative presentation of the police as heroes and identification with strong men has consequences for the relationship between them and the favela residents, which can be seen in the words used to describe this relation, and what is being promised, that is, peace, rights and citizenship.

Thus, on the official page of the UPPs, the coordinator of the UPPs, Cournal Frederico Caldas, states that the UPPs

"mean much more than the rescue of hope and citizenship: The UPPs symbolize all the appreciation that we must have for human life"[141]

This quote is interesting for two reasons. First, it mentions citizenship as an object that can be *rescued.*[142] Secondly in the same quote it refers to *human life*, seemingly equating biological life with citizenship.

To start with the verb *to rescue,* it implies that there is *something* which is already there and which can be rescued. In this case the *object* to be rescued is *citizenship* and again the rescuer are the UPPs. However, this structure is incompatible with the notion of citizenship as it is seen by Arendt and José Murilo Carvalho according to whom citizenship cannot be granted from the outside, but can only be the product of action, with its capacity to empower someone of behalf of citizens thereby establishing a relation between a rights-holder and a duty-bearer.

In other words there is an apparent contradiction within the discourse which at the same time stresses the promise of citizenship, peace, and the perceived victimhood of the residents of the favelas. This relationship between the police as the active agent and the favela residents as the passive recipients of rights is highly visible in the discourse.

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[140] http://www.upprj.com/index.php/foto/fotos-interna/Camarista%20M%C3%A9ier (consulted on 09 June 2014).

[141] Government of Rio de Janeiro & Unidade de Polícia Pacificadora, Veio para ficar, Index: as_upps (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps (consulted on 07 June 2014).

[142] The quote can also be found on the English language version of the site. However, there it does not use the word rescue.

Thus, on the official twitter account of the UPPs, a photo show the martial arts athlete, Hugo Wolverine, giving jiu-jitsu-classes to a group of children. In the comment section to the photo the Twitter account of the UPPs has posted a comment that reads: "Thank You for *bringing hope* to these children. An example of sports *transforming lives*".[143] (my italics) Two things stand out in this quote: First, the verb to bring and secondly the verb to transform.

As for the verb, to bring, it denotes a distinction between someone who is receiving and someone who is bringing. Here the receivers are the children and the one who brings is the UPPs by proxy of Hugo Wolverine. Importantly the distinction between the subject that brings and the object that receives is also a distinction of passivity. Where the receiver, the one to whom something is being brought, is the *most* passive, relatively to the one who is bringing. The one who brings can, however, also not be regarded as acting in the sense that Arendt gives to the word. This is so because bringing is bringing something that is already determined, thus lacking the plurality that is a precondition for action. The text is explicit about what is being brought, namely hope, which, in spite of its relatively vague meaning is already *something*, and in this case hope takes the character of sports activities, that have historically been associated with both social inclusion and discipline in Brazilian society.[144] As for the verb *transform*, if we take Arendt's dictinction between acting and making or fabricating, it falls into the second category. This is so for a similar reason as bringing, namely that transforming is transforming into *something*. Accordingly, as the verb, *to bring,* it lacks the plurality and openness of action, being more of nature similar to *fabrication* which sees processes as mere means to an end.[145] The end, in this case, being the *something* that the lives of these children is transformed into. Thus, in the case of bringing hope and transforming, the openness, that characterizes *action* as a human collective endeavor is

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[143] Unidade de Polícia Pacificadora, Official Twitter-account, Index: upprj/media (public), account opened on September 2009, available at https://twitter.com/upprj/media, Direct link to Photo: pic.twitter.com/I4xcd0U7wh (Visited on 02/06/14).

[144] Gaffney, 2010, pp. 12.

[145] Arendt, 1998, pp. 307

lacking, both for the subject and the object, who both have their human plurality reduced the end point of a fabrication process.[146]

Importantly this distinction between someone who receives and someone who brings is not limited to children, although their innocence in a way makes them the perfect victims, which can probably explain the focus on this category.

The distinction between someone who brings and someone who receives is also evident in some of the quotes from politicians and MPs concerning the favelas and their residents in general, and which can be found on the UPP website. In one of these the governor, Sergio Cabral, is quoted as saying:

"We created the UPPs, whose primary objective is to combat criminal gangs and bring peace and security back to the population"[147]

Three thing are interesting in this quote. First, the first person plural that brings peace and security back to the population; Secondly, the mention of the *criminal gangs*; and, thirdly, the verb *to bring*.

The first person plural seems to refer to the government, since it was in fact the government who created the UPPs, without consulting the favela residents. Secondly, the government brings something positive, that is, *peace and security.* This peace and security is juxtaposed to the *criminal gangs* and their violence, thus stressing the benevolent character of the pacification by way of a dichotomy with the world of crime. In other words the government is the hero of the story who saves the victims and combats criminal gangs.

The dichotomy between evil and crime on one side and the government and the UPPs on the other, is also evident in the speech Senator Sergio Cabral gave at the inauguration of the UPP in Mangueirinha, the first UPP in Baixada Fluminense, stating that,

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[146] Arendt, 1998, pp. 307

[147] Government of Rio de Janeiro & UPPs, UPP - Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).

"over are the deals with the world of the devil, the parallel world, with the banditry and the militias."[148]

Again, this quote stresses the evil nature of the drug lords who are resigned to a whole different *world*, a world of evil. This dichotomy is also a dichotomy between before, where favela residents were the victims of the drug lords and after, where they are saved by the state government who brings peace in the form of the UPPs. Painting a sharp distinction is important for narratively legitimizing the UPPs as saviors of the favelas, that is, the necessary solution to the problem of violence and crime, that is, as the necessary means to an end.

The dichotomy between good and evil is also conveyed in the video, UPP – Came to Stay, that I have mentioned above.[149] This video starts with portraits of smiling people flying through the screen and in to the center of the screen from its corners, and immediately after a banner is folded out over the screen with the words, "RIO DE JANEIRO, TIME OF PEACE".[150]

Subsequently, the speaker goes on to describe the history of violence and poverty in Rio's favelas that are described as "hostages" of the drug dealers,[151] in other words, as victims in need of a savior. This savior arrives in the guise of the UPPs whose implementation and the pacification is accompanied by generical feel-good music and a sunset over a favela,[152] thus emphasizing the new beginning, the radical dichotomy between before and now. Importantly, there is a promise that the new beginning in the form of the programme will be permanent. The termination of the program is a widespread fear among favela residents, and the express statement "UPP – came to stay" can thus be seen as a promise in light of the precedent of Rio governments of

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[148] O Dia(Brazilian newspaper), Primeira UPP da Baixada Fluminense é inaugurada em Duque de Caxias, Index: primeira-upp-da-baixada-fluminense-e-inaugurada-em-duque-de-caxias.html (public), 07 February 2014, available at http://odia.ig.com.br/noticia/rio-de-janeiro/2014-02-07/primeira-upp-da-baixada-fluminense-e-inaugurada-em-duque-de-caxias.html (consulted on 17 June 2014).

[149] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).

[150] Ibidem.

[151] Ibidem.

[152] Ibidem

terminating programs. Interestingly, however, this concern about the termination of the program is not present on the web page except in this implicit mention.

In the above, I have tried to point out some contradictions in the ways that the notion, citizenship is being presented. In other words, citizenship and rights, if we look at them from the perspective of the theories of Arendt and Habermas, cannot be *rescued* or brought. The discourse however appropriates these concepts because of the almost universal value that is put on them. Such is the case with citizenship, which, according to José Murilo Carvalho has become very much in vogue in Brazil, even if there may be ambiguities and inconsistencies concerning its content, both in disourse and practice.[153] And such is also the case with (human) rights, of which we have seen an explosion during the last couple of decades

In other words, the apparent contradiction between citizenship and victimhood makes sense if the narrative is meant to show how the UPPs heroically bring something universally prized, to people who were before the victims of the "world of the devil", in the words of Governor Sergio Cabral.[154]

Thus, the narrative presents rigid distinction between before and after time of war and time of peace, good and evil. In this way the narrative serves, not to describe the world, but to order it. And in ordering it the narrative prescribes and closes the field of imaginable action.

In this way, by presenting the favela resident as the *victims* of poverty and violent, evil, criminal gangs who are *saved* by the UPPs, the narratives contained in the official discourse convey a sense of necessity to the program, that is, to the content of the promise. In other words, the promise, which in theory and purpose, should open up the possibility of openended action is closed by the narrative simplification into manicheian simplistic categories of absolute good or evil that justify the UPPs as the only

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[153] Carvalho, 2001, pp. 7-9.

[154] O Dia(Brazilian newspaper), Primeira UPP da Baixada Fluminense é inaugurada em Duque de Caxias, Index: primeira-upp-da-baixada-fluminense-e-inaugurada-em-duque-de-caxias.html (public), 07 February 2014, available at http://odia.ig.com.br/noticia/rio-de-janeiro/2014-02-07/primeira-upp-da-baixada-fluminense-e-inaugurada-em-duque-de-caxias.html (consulted on 17 June 2014).

[154] http://www.youtube.com/watch?v=Zi_E_ragR64

imaginable solution to the problems of the favelas, that is, as the only imaginable means to an end[155](*move reference*)

In this way the discourse has the character of what Arendt referred to as "mere talk", that is, a unilateral means to an end, intended to sway and convince, as opposed to speech, which is open-ended and plural.[156] This is also evident from the lacking presence of critical voices, in spite of the recognition of historical neglect and injustice, and the almost complete lack of reference to any of the protests and killings that have occurred in the areas with UPPs.

In other words the narrative form gives a sense of necessity, which is inherently a-political.[157]This necessity risks of symbolically and in real life closing the public sphere, where political action could take place. There is consequently an inherent contradiction between this narratively created necessity and the notion of citizenship and partnerships that the discourse otherwise points to, because the narrativity already determines the content, that is, the *what,* of the partnership. In the words of Arendt,

"The moment promises lose their character as isolated islands of certainty in an ocean of uncertainty, that is, when this faculty is misused to cover the whole ground of the future and to map out a path secured in all directions, they lose their binding power and the whole enterprise becomes self-defeating."(Arendt, 1998, pp. 244)

At the same time as the narrative form gives a necessity to the program, that is, to *what* is promised and must be done, it also has the effect of discursively monopolizing the action. Thus, instead of being the product of action in concert, the focus on the heroic UPP officers as the sources of all the changes and projects in the favelas in terms of both social, cultural, economic and civil rights, as well as stress on the resolution and creativity of the government, tends to monopolize the whole project and all its effects. In doing this it risks closing the plurality and togetherness of action, which, as opposed to fabrication, can never be entirely dependent on one person or entity, an isolated

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[155] Caldeira, 2000, pp. 19-20
[156] Arendt, 1998, pp. 180.
[157] Árendt, 1998, pp. 30; 314.

ruler.[158] In this discursive monopolisation, the favela residents are deprived of collective agency and relegated to the role of victims and objects of charity.[159]

6.1.1.1 Partial conclusion

To conclude on this chapter, the purpose of the promise and the provision of basic rights is ostensively to open up a public sphere by empowering the residents of the favelas. Thus, the provision of basic rights should, in theory and in the discourse, ensure the private autonomy of citizens as a necessary prerequisite for their public autonomy.

However, the monopolisation of action, through the discursive construction of the actors as saviors and victims, which is also revealed in the verbs used to describe their relationship and the "rights" that are being provided, has the effect of closing the outcome of action in concert, making it more akin to making or fabricating, where the favela residents are not included in an open process of will-formation.

In this way, the sense of necessity and the monopolization of action risks having as its consequence a perversion of the interdependence of rights, turning it into a situation where all the rights are dependent on the accept of the UPPs and the government, as the necessary project of a *ruler.* This is also interesting in light of the Brazilian history of clientelism and the landslide victory of Cabral, which has been attributed to the implementation of the UPPs.

6.1.2 Danger and control

In the above I have focused primarily on the discourse of victimhood and salvation. In the following I want to see how this discourse coexists with an official discourse of control, and how these two discourses mutually inform each other.

The official discourse of control is partly inspired by the public discourse of danger and risk with which favela residents are associated. I will first quickly outline this first

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[158] Arendt, 1998, pp. 188-190
[159] Chandler, 2009, pp. 115.

discourse of danger and risk, as it has been described by other authors, and then go on to look at the official institutional discourse of control.

Thus, the image of the favelas as seen from the outside, that is, the asphalt, is, on one hand, characterized by a certain degree of exoticist fascination, partially due to its being the birth place of samba, which is valued both by the middle-class and the favela residents.[160] This attraction is combined with a discourse of danger and risk, especially after the rise of the paramilitary drug gangs. Thus, the middle-class and the police tend to associate the favelas with violent crime. An association that takes place both on the level of individuals, the institution of the military police, and the public discourse as it folds out in the media.

By way of an idea of contamination by proximity, this prejudice tends to associate all favela residents, and not only those who are involved with crime, with violence and the dangerous classes.

The association of the favelas with violent crime and danger or the exoticist fascination with its culture and inhabitants is not limited to the Brazilian middle-class. Thus, the shocking fire-power of the drug gangs and the lacking control of Rio's government gained international exposure immediately before the Pan-American Games in Rio when a police helicopter was shot down in the South-Zone leading to questions regarding Rio's suitability for hosting the Olympics in 2016, as well as the current World Cup. In the

Consequently it is important to analyse how the institutional discourse in the form of publicity from the government and the police target anxieties of the Brazilian and international middle-classes, especially in light of the influx of tourists during the World Cup and the Olympics.

In this context, The official video of the UPPs that I have analysed in the above, is also interesting because of how it conveys a sense of control of the territory by the state, assured by the territorial presence of the UPPs. Thus, around thirty seconds into the

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[160] Jovchelovitch & Priego-Hernandez, 2013, pp. 142

video, the speaker states that "Rio is not in police news anymore for its urban violence, conversely current Rio news is for its achievements in economy and society".[161] This statement of the speaker is accompanied by screenshots of internet newspapers praising the investment opportunities etc.[162] This flow of pictures is abruptly stopped, and the speaker states in a somber voice: "However it has not always been like that".[163] From here the video goes on to show the creation of Rio's favelas and the rise of the violent rule of the drug gangs.

The presentation of the violence and terror is cut off by three minutes and fifty seconds into the movie by a blue banner – the colour of the police – announcing the "pacification". This is followed first by a bird's eye view of the Vidigal Favela during sun rise and then a bird's eye view flying over the favela, Complexo do Alemão.[164]

From these views, conveying a sense of overview and control, the video goes on to the election of Sergio Cabral accompanied by news articles with headers in Portuguese, such as, "Covards will get a response, says Cabral on taking office"; "Sergio Cabral Takes Office with Promise of guaranteeing Security in Rio"; and "We Will Win the War Against the Criminals".[165] Two of these articles also show Cabral with a determined look in his eyes, and, in one photo, looking at his hands pointing forward, thereby showing determination and resolution. While these news articles fly over the screen, the speaker states that, "from 2007 the new government of Rio de Janeiro has as its supreme priority to combat criminality."[166] Notice the use of *combat* pertaining to a bellicose vocabulary, as well as the qualification of the security problem as a "war".

From here it goes on to three stills of police officers holding a Brazilian flag inside a favela, children playing on swings, and a policeman talking to an old woman. These stills convey a feeling of harmony, in sharp contrast to the earlier depictions of a Rio

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[161] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[162] Ibidem
[163] Ibidem
[164] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[165] Ibidem
[166] Ibidem

ravaged by armed conflict. Immediately after these photos, the speaker says that: "with heavy investments in technology, the preparation of new police men, the combat of corruption on all levels of the civil and military police and a new concept of criminality combat, the state government begins to do what seemed to be impossible and win the war against traffic and violence."[167]

Simultaneously the visual track of the video shows surveillance screens overlooked by police officers, police men in lines saluting the Brazilian flag in typical military fashion, a forensic scientist conducting tests and a helicopter overflying an unspecified area of Rio and a helicopter and boat, both filled with heavily armed MPs, overflying a stretch of water. In this way the video stresses the control of the territory and people by the government, this ideographic theme of control, suddenly shifts into two quick filmings of policemen inside the favela, walking peacefully and shaking a man's hand.[168]

In this the video both stresses the control, but also the necessity of the control for peace and tranquillity, which, as I have tried to show in the preceding chapter, is presented as the necessary condition for citizenship and rights.

This part of the video is followed by a part on the UPPs, again announced by a blue banner, now with the letters "UPP", and accompanied by generically positive music.

By the thirteenth minute, the video returns to the theme of technology as a means of control, when the speaker states that: "The state government, in partnership with private companies and the federal government, has been investing in new equipment to the police, with new apparatus, vehicles and modern technologies." Meanwhile the visual track shows police men engaging with these new technologies. For example, we see a computer screen zooming in on a Google Earth picture of Latin America and Rio de Janeiro, which features red spots, where some of the favelas are situated.[169] Subsequently the camera shows surveillance cameras being watched by police men. The theme of technology ends with a police man in civilian attire shooting at a large screen,

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[167] Ibidem
[168] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[169] Ibidem

where black card board figures resembling people stand in rows and fall down when they are hit. This theme is then abruptly cut off and the scene changes to show police men giving music classes, to smiling children, and the speaker states that, "UPPs take care of people".[170]

The discourse associating favela residents with danger and risk, and the concomitant need to control them through an internal high-tech military colonisation of the territories comprising the favelas, may seem contrary to the more benevolent discourse of victims in need of being saved. However, there are important similarities such as the reduction of these people to a state of *necessity* due to their victimisation by the drug gangs, poverty and violence. It is my argument that this narrative is aimed at the Brazilian middle-class whose members see the favelas as threatening places of danger and their poor people as close to a state of necessity and nature, making them more prone to crime.[171] Secondly, I argue that it is directed at potential tourists and investors from Brazil and abroad, who are worried by the violence with which the favelas are associated.

This is also the perception of substantial part of the MPs of the UPPs,[172] residents of the favelas,[173] and even captains working in the UPPs. Thus, one captain puts it like this,

> *"The UPPs are not sold to the police, they are sold to the international public, to other states and to the population of Rio, but they are not sold to the police."[174]*

In the discursive analysis of the two preceding chapter the focus has been on the discursive construction of the project of "pacification" and the actors. I have argued that the discourse conveys a sense of necessity to the program, through the use of narrative dichotomies, that are accompanied by verbs such as transforming and bringing.

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[170] Ibidem
[171] Caldeira, 2000, pp. 68.
[172] Cano, 2012, pp. 9.
[173] Ibidem, pp. 8.
[174] Carvalho, 2012, pp. 181

In chapter 8, I intend to analyse how this discourse influences the relations between the discursively constructed actors, which is more appropriately analysed through an analysis of the structure and implementation of eth UPPs, and secondly, the interaction between MPs and residents. In taking this step from discourse to the practice of policing in the favelas and the interaction between residents and police officers I am inspired by Foucault's idea of discursive practices in the sense that power as discourse informs subjectivities and practice.[175] First, however, it is pertinent to look into the institutional and normative structure of the program.

7   Structure and strategy

In the current chapter I intend to look into the institutional structure of the UPPs, including the normative framework guiding them, and the process of occupation and implementation of the individual UPPs. The aim of doing so is to identify the laws regulating the UPPs as well as their source in order to evaluate the legitimacy of the program. As I have mentioned above such different authors as Hannah Arendt, Jürgen Habermas and Max Weber have put an emphasis on the source of laws and policies as an important determinant for their legitimacy,

In the words of Arendt, the rule of law, resting on the power of the people represents the possibility of putting an end to the rule of man over man, if the citizens have given their consent to the laws.[176] In other words the question is: Who is empowered by whom to do what against whom, and is there a correlation between the source of power and the subject, and if not, are there provisions in the program or other programs by the government to open up a public sphere where the residents of the favelas can come together and act in concert to claim their rights vis-avis the police and state.. The question here becomes whether there are structures put in places allowing for a free exchange of ideas, based on human plurality and equality, or whether there is a monopolization of force.

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[175] Foucault, 1978.
[176] Arendt, 1969, pp. 40 -41

7.1.1   Process of occupation

The implementation of each UPP is preceded by the issuing of a decree in the official gazette announcing that the state secretariat of security creates a UPP in the favela(s) X.[177] These decrees stipulate in detail the perimeter of the UPP to be created, down to which sidewalk to be included, as well as which sidewalk or road side is not included.[178] In some cases this is accompanied by an aereal photo of the geographical area to be included.[179] In cases where the UPP is given jurisdiction over more than one "community" contained within one conurbation, the decree specifies each of these. Finally the decrees specify the number of police officers to be employed in the UPP.

The announcement of the creation of a UPP is followed by the invasion of the specified "communitie(s)" by the Battalion of Choque and the elite police unit, Bope,[180] which has become famous due to the movie, Tropa de Elite, where they are pictured torturing and executing favela residents, and who recently killed 9 people in the Maré favela.[181]

This means that the installation of each UPP is made possible by an initial moment of potential and/or actual threat to the life and physical security of residents, which, as the recent history of re-invasions have shown, remains a latent threat. This is important if we accept Arendts premise that power derives its legitimacy from an initial getting together where speech and action can take place.[182] In some cases this invasion has been preceded by an announcement directed at traffickers in order to avoid confrontation.

This first phase, which is referred to as tactical intervention, is followed by a phase official denominated stabilization. During this phase the stipulated area is patrolled in order to arrest remaining criminals with arrest mandates.[183]

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[177] Resolution SESEG No. 443; Resolution SESEG No. 770, 26 May 2014; Resolution SESEG No 608.
[178] Resolution SESEG No. 770, 26 May 2014.
[179] Ibidem
[180] Rodrigues & Siqueira, 2012, pp. 11.
[181] Sturm, Manifestação no Rio lembra dez mortos em ação do Bope no Complexo da Maré, in *Estado de São Paulo*, 02 July 2014, available at http://brasil.estadao.com.br/noticias/geral,manifestacao-no-rio-lembra-dez-mortos-em-acao-do-bope-no-complexo-da-mare,1049450 (consulted on 12 July 2014).
[182] Arendt, 1969, pp. 52.
[183]Rodrigues & Siqueira, 2012, pp. 11.

The third phase consists of the actual implementation of the UPP, during which the MPs selected for the UPP occupy the territory under a commander, usually a captain. This is followed by a fourth phase of avaliation and monitoring.[184]

The inauguration of each UPP is done in the presence of elected officials and officials of the military police and the UPP such as governor, Sergio Cabral, Pezão, and coronel Rogerio Seabra who will do speeches, and the military band will play.[185] (see also discourse chapter and the chapter on symbolic control). Photos and videos from some of these inaugurations are published at the state government's web site.

The process of establishing each UPP is, thus, a top-down, or, more appropriatley, an outside-in process, where the state unilaterally decides to occupy a favela and there are no procedures for popular participation from within the concerned favelas in the decision to occupy specific favelas, which, and/or how.

7.1.2 Institutional and normative structure

The functioning and aims of the UPPs was regulated primarily by the decree 42.787 of 6 January 2011, which, according to its preamble, aims at regulating and standardizing the procedures and functioning of the UPPs. Importantly, this was the first piece of legislation aiming at such a standardization and, consequently, from the implementation of the UPP Santa Marta in 2008 until 2011, the program suffered from a complete lack of normative standardization and institutionalisation.

This decree was substituted by the decree 44.177 in April 2013, which is largely similar to the first, with the main exception of some specifications of the salaries to be paid to the MPs in the UPPs.[186] Both of these decrees are relatively thin,[187] with almost no definitions of the purported aims, and philosophies guiding the project, nor do they stipulate any standardized procedures or channels for interlocution with the community,

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[184] Cano et al., 2012, pp. 20.

[185] Government of Rio de Janeiro & Department of State Security, Inauguração UPP Caju e Barreira/Tuiuti, Index: /web/seseg/exibeconteudo?article-id=1530407 (public), 12 April 2013, available at http://www.rj.gov.br/web/seseg/exibeconteudo?article-id=1530407 (Consulted on 12 June 2014).

[186] Decree 44.177

in accordance with the purported aim of adhering to the philosophy of community policing and/or proximity police.

As for the structure, decree No 44.177 stipulates that each UPP and its commander is operationally independent of the system of battalions that makes up the rest of the structure of the military police of Rio, and instead answers to the Command of the Pacifying Police (CPP), who, for its part is under the Chief Commander of the Military Police.[188] As for the commander there is evidence that this position offers substantial opportunities to advance a career within the military police, as well as in other directions, as I will come back to later.

Regarding the subordinate MPs who make up the UPPs, they must be recently graduated from the police academy, they must have "education with emphasis on human rights and the doctrine of community police".[189] They also receive a bonus of 500 reais to their salary, which was originally paid by the entrepreneur and tycoon, Eike Batista. **(REF)** The education in human rights is, however, limited to a two weeks course and a short internship, whereas the basic training continues to be an eminently military training.[190]

As for the number of police officers in each unit it varies, but tends to be quite high. This strategy is referred to as saturation police. Thus, the ratio of police to inhabitants in the first thirteen favelas as of 2012 averaged 18 MPs per 1000 inhabitants varying between 9 MPs per 1000 inhabitants in Cidade de Deus and 88 per 1000 inhabitants in Babilônia/ Chapeu Mangueira.[191] In contrast, the average for the state of Rio is at 2.3 per 1000 inhabitants.[192]

The bottom line is that in practice, the main characteristics of these police units are 1) that they arrive with the ostensive aim of staying permanently, as opposed to what used to the erratic invasions, that are still the reality in the un-"pacified" favelas;[193] 2) that the

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[188] Decree 44.177
[189] Decree 42.787 &Decree **44.177**
[190] Rodrigues, 2014, pp. 10.
[191] Cano et al.,2012, pp. 21-22
[192] Cano et al.,2012, pp. 22
[193] Rodrigues & Siqueira, 2012, pp. 10.

focus is to some degree shifted away from the war against drugs, instead being on ending the territorial control and the conspicuous presence of armed gangs,[194] the presence of which is also one of the few objective criteria that the decision as to which favelas to pacify is based on according to decree 44.177. The other being that they must be "poor communities, with a low level of institutionalisation and a high level of informality"[195]

The permanent presence and shift of focus has two major consequences:

1st the drastic reduction in the incident of violent deaths, which is reduced by as much as 75%, this reduction being, to a large degree, due to the reduction in the number of residents killed by the police.[196]

 2nd the increased potential for control on the part of the police. E.g. through regularly stopping and frisking residents.

As I have tried to show above, the presence of death in the form of conspicuously armed criminals and the violent invasions by the military police was problematic for the development of a public sphere where speech could accompany action, that is, where the residents could use speech to express their plurality and distinctness in order to work in concert. With the end to this situation there is consequently also a potential for reversing this situation, which is not necessarily precluded by the initial violence, since the potential for promise and forgiveness also represents the potential for starting over again, and acting in concert towards the future.

If this potential is to be realized there must be both institutionalized channels of interlocution and will-formation and the provision of basic social rights, which should be formulated by the recipient in their exercise of their civil rights as ensured by the abovementioned channels of interlocution. **However**, as for the channels of

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[194] Ibidem, 10.
[195] Decree 44.177, Article 2, paragraph 1.
[196] Cano, 2012, pp 32.

interlocution and aproximation, the program has been widely criticised for the relative lack of these and/or their lacking institutionalisation.[197]

This gap was supposed to have been filled out by the development of a "pacifying police program" which both decree 42.787 and decree 44,177 stipulate that the Institute for Public Security (ISP) should elaborate. This has, however, yet to happen.[198]

Thus, the mechanisms promoted by some UPP commanders with the ostensive purpose of promoting channels of interlocution and approximation between the UPPs and the individual favelas are not formalized or institutionalized.[199] This has the consequence that they cannot be claimed as a right by residents.

This means that the residents of the favelas do not have a say in what services the police as the main representative of the state in the favelas should carry out or how. This has implication for legitimacy, for example because of the lack of influence on how the police should approach residents during stopping and frisking, which is both one of the most recurrent activities of MPs in the UPPs,[200] while simultaneously being one of the primary sources of dissatisfaction with the program among residents, because of the violence and lack of respect shown by police officers.[201]

Inside the UPPs the structure is also top-down, as each MP responds to individual commander, who responds to the chief coordinator of the CPP, who responds to the Chief Commander of the Military Police, meaning that there is a concentration of power in the individual commanders, which should be seen in conjunction with the lack of formalized standards for interlocution with the community.

In other words, the institutional structure of the program lacks some of the most import ant characteristics of the philosophy of community police, which are: Decentralization and the establishment of formalized channels of interlocution with the community in order to adopt the security priorities of the community.[202] However, in 2014 the

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[197] Rodrigues, 2014, pp. 8.
[198] Rodrigues 2014, pp. 6.
[199] Cano, 132, 187.
[200] Cano, 2012, pp. 8.
[201] Cano, 2012, pp. 119.
[202] Cano, 2012, pp. 144-145.

program, *Peace with a Voice,* was initiated. This aims at giving a voice to the residents of the pacified favelas and a place where they may "give and receive information, suggestions, praise, complaints and denunciations", according to the website of the program.[203] The problem with this program is its institutional and historical link to the UPPs and the politics of their implementation, and the consequent lack of decentralisation.

 Thus, another important theorist of rights, whose theories I would like to bring into my analysis, and who I would like to use in order to point towards possibilities for moving towards a system of effective rights in the favelas is Ronald Dworkin who sees rights as trumps against policies.[204] In other words, if we see the UPP program as a policy of the government of Rio, rights should be the trumps available to the residents of the favelas in order to claim their human dignity. Thus, independent institutional channels should be put in place. Since "Peace with a voice" is not institutionally independent, the lack of institutionally independent channels to report, which I have mentioned above, is still relevant.

This is so because institutional and historical link is problematic if we take Dworkin's conception of rights as trumps against policies. In other words, the program is part of the policy that it is supposed to serve as a (partial) trump against. This is also evident from the description on the UPP homepage describing the objectives of Peace with Voice. Here the presentation of this program says that its mission is to strengthen the institutional image of the corporation,[205]and Frederico Caldas, the general commander of the UPPs says that Peace with voice has been an essential tool in perfecting the pacification process.[206]

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[203] Coordenadoria de Polícia Pacificadora, official website of the program *Paz com Voz*, 2014, available at http://ouvidoriaupp.com.br/ (consulted on 01 July 2014).

[204] Dworkin, 2009, pp. 335.

[205] Coordenadoria de Polícia Pacificadora, official website of the program *Paz com Voz*, 2014, available http://ouvidoriaupp.com.br/missao.php (consulted on 01 July 2014).

[206] Government of Rio de Janeiro and the UPPs, http://www.upprj.com/index.php/acontece/acontece-selecionado/ouvidoria-paz-com-voz-completa-um-mes-de-funcionamento/Vila%20Kennedy) (consulted on 30 May 14).

Thus, importantly, this service has an instrumental nature to the program as such, litmiting its function as a trump right *against* policies, as well as identifying the right to have your civil liberties respected with the program, including the concomitant increased level of control.

Finally the institutional structure of the UPPs also concerns its institutional limitations as primarily a security program.[207] Thus, the UPP-social, which was introduced in 2011,[208] suffers from two short comings. First, the lack of resources;[209] and, second, its close link to the program of the UPPs,[210] as is also the case with the services directly provided by MPs.

7.1.3   Aims and Objectives

As for the philosophy or strategy, that is, the proposed role for these police officers vis-a-vis the residents, the decree 44.177 stipulates that they should be guided by the philosophy of proximity policing, whereas article 6 paragraph 2 stipulates that the police officers should receive training in community policing.

The aims of this, as they are put forward in the decree, are the following:

"To bring back to the population peace and tranquility necessary for the exercise of full citizenship guaranteeing social as well as economic development"[211]

And in article three, paragraph 1:

"The chief coordinator of the CPP is directly subordinate to the chief commander of the Military Police of Rio de Janeiro and will realise the necessary cooperation with the state committee, designated by the state governor with the aim of better attending to the

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[207] Fleury, 2012, pp. 219.
[208] City Hall of Rio de Janeiro & Instituto Pereira Passos, Territórios, Index: about (public), No specification of date, available at http://uppsocial.org/about/ (consulted on 12 July 2014)
[209] Fleury, 2012, pp. 219.
[210] Fleury, 2012, pp. 200.
[211] Decree 41.177, article 2, paragraph 2.

demands for public security of the contemplated communities in order to facilitate the improvement of the quality of life of the residents.[212]

What we see here is, first, a number of vague and broad expressions, such as *peace, calm* and *improvement of quality of life*. These are potentially problematic, especially in conjunction with the low level of standardization that the program suffers from in its institutional structure, as well as in practice, as I will come back to in the chapter on interaction.

Thus, whereas there is a declared intention of attending to the demands of the communities with regards to security, there are no specification on minimum standardized requirements for establishing channels of interlocution, etc.

This means that the implementation of the broad aims and guidelines risk being interpreted and controlled, not by the citizens as rights-holders, but by the MPs, potentially leading to arbitrary enforcement, abuse and normalizing intervention, as I will come back to in the chapter on interaction.

8   Interaction: owners of the hill?

In the current chapter I look into the relations between the police officers and commanders of the UPPs and the residents of the "pacified" favelas. Understanding this relationship is important for understanding the nature of the services carried out by the police and the changes in the lives of the favelas and their residents that the pacification have caused, such as the diminution of violent deaths, some social services and the legalisation and formalisation of a number of private services. This is presented in the official discourse as a means for empowering residents, in line with the theory of Habermas, according to which, the provision of basic services based on the participation in a process of will-formation has the capacity to empower citizens through the

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[212] Decree No. 44.177, article 4, paragraph 1.

fulfilment of their private autonomy as a necessary prerequisite for their public autonomy.

However, I argue that the abovementioned lack of institutionalised channels allowing for the participation of residents in the process of "pacification" allows for the broad aims and objectives of the program to be filled in by some of the discursively, historically and socially constructed categories with which favela residents are associated, such as victims, the dangerous classes and violent drug traffickers.

This is compounded by the limitations in the program as being primarily a security program, which means that commanders become responsible for regulating a large number of cultural, social and commercial activities according to the same categories, personal idiosyncrasies or power projects in a rule of man over man. In this way there is a risk that the MPs of the UPPs become the new *owners of the hill.*[213]

8.1   Race and age – victims of biology and place

The hypothesis that the broad aims and objectives allow for the implementation of the program to be guided by discursively constructed categories can be tested by an empirical analysis of the activities and attitudes of the MPs active in the provision of the rights and services that are purportedly necessary for the achievement of these objectives on a day to basis in the "pacified" favelas. Consequently, I will start this subchapter by looking into the activities that have been most aggressively disseminated to the public: The work with children.

One example of this work is the UPP Mirim, or *Little UPP*. This is a project focusing on outdoors activities and nature. Thus, in a video published by The State Secretariat of Security - Seseg,[214] we are presented with this project and the activities carried out, such going to the zoo, playing table football with MPs, marching etc. The video also contains

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[213] Cano, 2012, pp.

[214] State Secretariat of Security, Official Youtube Channel, Video: UPP Mirim, available at http://www.youtube.com/watch?v=NdfJCJqPets (consulted on 30 June 2014).

interviews with two MPs, who explain their aims with the work and their motivation, as well as an interview with one of the children.

Thus, both PMs mentions as a source of pride and motivation that today the children have them as a reference, whereas they used to "idolize the traffickers", according to one of them. This is also indirectly stated by the other police officer, who says that "*Today,* luckily - right, they have us as a reference."[215] In this way there is an identification of the children with the traffic, both as a potential danger, if they were to be recruited, but also as potential victims. As private Maciel de Freitas puts it:

> *"They are children with whom we have to have a lot of vigilance (cuidado). They were ... they could have been an easy prey for the drug traffickers, the environment was propitious for that, the conditions were very – propitious for that to happen. And ... thank god, The UPP came to give a new direction, to be able to transform.. as a new perspective of life"[216]*

Here we can see how the discourse of victim, due to the conditions in the favelas, and the discourse of the UPPs as the saviours, is mixed with a discourse of danger, according to which the residents of favelas are members of the "dangerous classes", representing a threat to the established morality and institutional order, warranting the control of these populations and the *necessity* of teaching them how to behave in society.[217]

Thus, the policemen both, rejoice at the fact now the kids have them as reference, instead of the trafficker "who carried a gun".[218] This aim of substituting the traffickers in the imaginary of the children is also evident from the quotes referring to changes in childrens' haircuts and other changes in cultural references.[219] In this way the services

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[215] Ibidem

[216] Department of Security of the State of Rio de Janeiro (Seseg), Official Youtube channel, Video: UPP Mirim, Index: NdfJCJqPets (public), available at http://www.youtube.com/watch?v=NdfJCJqPets (Consulted on 02 July 2014)

[217] Carvalho, 2012, pp. 177.

[218] Department of Security of the State of Rio de Janeiro (Seseg), Official Youtube channel, Video: UPP Mirim, Index: NdfJCJqPets (public), available at http://www.youtube.com/watch?v=NdfJCJqPets (Consulted on 02 July 2014)

[219] Cano, 2012, pp. 148.

carried out with children become instrumentalised for a moral project based on the discursive categories of good and evil, whereby the UPPs are the heroes and favela residents are in risk of contamination by the world of the drug lords. This means-end thinking according to an externally imposed moral project open up for abuse and over reach of power, such as when MPs, upon hearing from a child that its dad takes drugs, will go and interrogate the suspect.[220] Here we see how the lack of definition of roles and rights is problematic in the interaction with residents and facilitates the instrumentalisation on the part of the duty bearer of the "rights" of the rights holder as part of project that the rights holder does not influence or control. Thus, the residents of the favelas do not necessarily see the police as a positive reference to be looked up to by children due to the history of violence, which is not limited to the old police, but also present in the UPPs. Thus, as another resident puts it,

> *"Few months ago, the same police would come and murder the parents of these children beceause they were involved (with the drug traffick) in some way or another and today they cuddle these kids and invite them to sports tournaments. How is that?"[221]*

Even when the MPs carrying out social work with children stick to a strict division of roles between the educator and law enforcer,[222] the problem of duplicity of roles potentially remains. One resident puts it in a telling way:

> *"The traffickers are still there, observing everything. And they rule, they rule. There are favelas where people disappear for having talked too much, because they get into situations where they shouldn't be… the cruel thing is that the police, the press uses the residents as bait, and then they leave them there".[223]*

Here it is clear that, apart from incorporating children into a moral project that is not sanctioned by the favela residents, the instrumentalisation of the children and other residents has the effect of endangering their physical security.

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[220] Cano et al., 2012, pp. 147
[221] Carvalho, 2012, pp. 181
[222] Cano et al., 2012, pp. 147
[223] Rodrigues & Siqueira, 2012, pp. 29.

Another example of the abovementioned perceived necessity to control the youth segment of the favelas is a poster posted by the UPP of the Borel Favela in an NGO working with Youngsters, as seen by Carvalho in a study for ISER[224].

The header of the poster says: "tips from UPP Borel". From there it goes on to mention nine tips:

1) Respect all your equals, without distinction
2) Respect nature
3) Never use drugs
4) Never drink alcoholic drinks
5) Try to sleep at least 8 hours a day
6) Avoid soft drinks, drink water and fruit juice
7) Try to follow a balanced diet
8) Don't condone the drug trafficking gangs.
9) Always collaborate with the Military Police of Rio de Janeiro[225]

This is another interesting example of how the ideas of the favelas and their residents inspires a paternalist attitude on the part of the police men. This imposition of a specific morality and control is particularly directed towards the youth of the favelas who are regarded as being particularly vulnerable to the influence of the traffickers. Thus, instead of being predicated on a claim right, *this intervention in the lives of favela residents* seems to be instrumental towards a moral project on the part of the police as representatives of the middle-class and state who have sanctioned the project.

The arbitrary nature of the force/violence (power) wielded by the UPPs can also be seen on a more intersubjective level, that is, the relations of police officers with favela residents on a day to day level, where abuses are reported, especially against specific

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[224] Carvalho, 2012, pp. 177
[225] Carvalho, 2012, pp. 177

groups, such as youngsters and blacks. E.g cases of police officers physically abusing youngsters.[226]

 Another example is the conduct of a police officer interviewed by the researchers from ISER who describes how, upon seeing unoccupied youngsters in the streets of the favela, he will send them home. He also describes this as one of the sources of satisfaction in his work, giving him a feeling of meaningfulness to his work.[227] This is a problem of this police officer being in a position to define *who* can do *what*. Thus, according to his interpretation of his own role in the process of "pacification", it is to sanction certain forms of conduct of specific *suspect categories,* supposedly pertaining to the *dangerous classes,* such as black youngsters. This is a problem of the lack of definitions of the limits of police work carried out by the MPs in the UPPs[228], and the fact that the source of legitimacy of his position and the program is outside of the favelas.

The lack of definitions of limits is linked to the vague expression used to describe the objectives of the UPPs and the "rights" to be fulfilled, such as "pacification", the "right to peace" etc, in that the identification of segments of the residents of the favelas with the dangerous classes representing a threat to "peace" and "pacification", becomes a justification for controlling their lives according to specific moral codes. Thus, besides age, social and cultural markers such as race, clothes, being skinny, having hair that is died red, or having a shaved eyebrow, becomes reasons for frisking them, often in violent and humiliating ways, or controlling their activities in other ways,[229] such as sending them home, as in the example above. In this way "blessings and doom are meted out to them (bearers of human rights) according to accident and without any relation whatsoever to what they do, did, or may do.'[230]

This is no to say that the meting out of privileges or punishment and control based on racial profiling is accidental or random, since it is based on a very important fact of

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[227]Rodrigues & Siqueira, 2012, pp. 45.

[228] Rodrigues & Siqueira,2012, pp. 45.

[229] Carvalho, 2012, pp. 179-180.

[230] Arendt in Chandler, pp 116.

Brazilian society, that is, racism. Neither is it merely intersubjective, since racism is inherently a social fact. However, it is not is based on any recognition of favela residents as rights bearing subjects, who have a part in the formulation of what their rights should be and act as agents claiming such socially constituted rights.

Instead it is based on suspect categories that are created by outside society. Categories, such as race and gender are interesting, if we see them in light of the social nature of human beings, and the importance of our capacity to create rights- giving communities. This is so because of the inherently essentialising nature of racism. In other words, racism reduces its objects to their biological nature, with its connotations of necessity, their bare biological essence, denying them the capability of acting upon the world and their lives in concert, which, as mentioned above, Arendt highlights as one of the preconditions of citizenship.

Another example of an essentializing category which plays a role in medating relations between residents and police is gender, and there are indications that the control over women is symbolically important.[231] Thus, one informant from an international NGO working with gender told me during a semistructured interview that police officers in the Rocinha Favela will shout putinha – diminutive of prostitute - after local girls if their attire is perceived as being inappropriate/showing sexual accessibility , adding that "You should date a police officer to become a respectable woman".[232] I will come back to the symbolic control over women in a subsequent chapter.

8.2   workers

Another external category that is important for understanding the relation between the state and the "dangerous classes", is the category of trabalhador - *worker*. This category has historically been the only way for poor Brazilians to claim their rights vis-vis the government by way of the carteira de trabalho, as shown above, and research has shown that the status of formal worker is still linked to claiming rights.[233] Thus, it is noteworthy that the victim in the high profile Amarildo-case, Amarildo Dias de Souza,

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[231] Cano, 2012, pp.

[232] Semistructured interview with employee of an international NGO working with gender, conducted on 09 April 2014.

[233] Pandolfi, 1999, pp. 53.

is commonly referred to as "the stonemason Amarildo". This has the effect of delegitimizing the violence that he has allegedly suffered. Similarly, when I and three informants were stopped at gunpoint by PMs from the local UPP, the first reaction of my informants was to state repeatedly that, "we are all workers here".

This category, which is discursively, narratively and institutionally constructed as the opposite of the criminal, *O Bandido,* is thus claimed as a defense against violations of rights, such as disappearances torture and other forms of violence. This is because of its connotations with citizenship, as it was introduced as part of top-down corporativist policies, where only registered workers could enjoy the privilege of citizenship, through their membership of the abovementioned yellow unions. Thus, like the external categories, of age and race, the category of worker also has the function of control. Partially through its implicit negation of citizenship to all non-workers and partially because it serve as an justification for controlling residents lives, such as stopping forms of sociabilities that are seen as incompatible with the duty to be a good worker, such as visiting friends at night.[234] This is particularly interesting keeping in mind Gramsci's analysis of the importance of moral categories for control over workers in his work, Americanism and Fordism.

8.3   Structural limitations and suspect categories - big men of the hill

As I have mentioned above, the structural lacunae of the UPP program are not limited to the lack of channels of interlocution, but also show in the fact that the state enters primarily in the form of the police. This has the effect that the regulation of a host of commercial and cultural activities come to be regulated by the police, and especially individual commanders according to individual idiosyncrasies and discursively constructed categories. This is the case with the motor-cycle taxis that are an important means of transport and income for many favelas residents, as well as the so-called baile funks that are both an important form of leisure for the youth and a source of income for local shop owners, etc.[235]

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[234] Carvalho, 2012, 178.
[235] Cano, 2012, pp. 154.

8.3.1   Moto-taxis

With the entrance of the UPPs, the motor-cycle taxis that are part of the life of the favelas, come to be regulated by the commanders and MPs of the individual UPPs.[236]

The problem here is two-fold. First, the military police shouldn't be in charge of regulating the motorcycle-taxi service. This authority belongs to the municipal guard. Secondly, the absence of standards leads to the aforementioned concentration of power in the commander. With regards to the motorcycle taxis, however, there is specific problem with the development of unified standards, since they are illegal. Other than being illegal, they are also associated with the drug gangs, for whom they worked, according to the perception of some MPs.[237] Regardless of the truth value of this, the perception is important since it guides the relations in some cases. An example of this is the favela, Morro dos Cabritos. Here there was a shift of commander in 2010 and in the study, "All changes are difficult,"[238] the residents highlight the differences between the old commander and the new commander. Thus, the new commander is perceived as someone who is available for negotiation as opposed to the former commander who is described as rigid.[239] One of the differences which is highlighted is the shift in the regulation of and the relationship with the local business owners and motorcycle-taxi drivers. Thus, whereas the former commander had limited the number of motorcycle-taxi drivers from 50 to 30, prompting them to go complain to the CPP, who had convened a meeting where it had been decided to let all fifty drivers continue. The frictions between the drivers and this commander were, however, constant, especially due to her perceived authoritarianism.[240] Thus, we see how, in the absence of standardized mechanisms of control, personality, and personal relations become a factor.

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[236] Cano, 2012, pp. 181.
[237] Martins, 2012, pp. 198.
[238] Martins, pp. 198.
[239] Martins, pp. 198.
[240] Ibidem

8.3.2   Funk

Like moto cycle taxis, the baile funks are stigmatised both in the perception of the police where this popular cultural manifestation represents the consumption of drugs and the power of the drug lords, that is, of their "enemy",[241] and in the popular imagination where they represent the perceived violence and danger of the favelas and the presumed uninhibited sexuality of the mostly poor and black youth of the favelas.[242] This association in the public of the baile funk with danger and the "funkeiros" as public enemies, partly dates back to the large scale plunder of beach goers which occurred on the Arpoador beach in 1992.[243]

 This is especially the case with the so-called "super-prohibited" (proibidão), that, similar to the Mexican narco-corridas, glorify the drug lords and violence against rivalling factions and the police, and that are in fact illegal. Thus, the former Chief Commander of the UPPs, coronel Seabra, in an interview given to the researchers from ISER, states that they have immediately stopped these.[244] However, the prohibition of these parties is in practice the case in many of the pacified favelas[245] This is partly for the abovementioned reasons, and partly because some favela residents have started to complain about the noise from these parties, a right that they did not have before the "pacification".

However, according to the Military Police on the Frequently Asked Questions section of their web-site, these parties have not been prohibited, and there is a path to be followed in order to get permission for having a baile funk, whereby the civil and military polices, the city-hall and the fire department must permit it, there must be a demarcation of parking areas and there must be a request to the state park service for permission to trim trees in order for the police to monitor. All in all twenty-two requirements.[246]

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[241][241] Cano, 2012, pp. 153.
[242] Siqueira et al., 2012, pp. 81.
[243] Carvalho et al. 2012, pp. 81.
[244] Siqueira, Raíza & Pedro Strozenberg, 2012, pp. 143.
[245] Cano, 2012, 154.
[246] Government of Rio de Janeiro and the UPPs, official website: Frequently Asked Questions, available at http://www.upprj.com/index.php/faq (consulted on 10 July 2014).

These are added to the so-called law of silence, prohibiting loud noise from 7 in the morning to 22 in the night.[247]

The problem is two-fold in that, first, the requirements are in practice prohibitive for smaller businesses, especially in the favelas, and, second, the police is the only agency of the state present and does not possess the adequate equipment for measuring sound volumes according to objective standards. Therefore, in practice, the decision ends up with the individual commanders.[248]

This creates space for individual idiosyncrasies and the abovementioned prejudices to inform the decision as to whether or not to allow these activities, contributing to the perception of arbitrary use of force and a lack of legitimacy. This is especially so, since the baile funks are the preferred leisure activity of the segment of the population in the favelas that are most opposed to the pacification, relatively more involved with the gangs, and, in general suffer most from police violence and abuse, that is youth, and especially young males. Thus, the former UPP-commander and major in the military police, Robson Rodrigues suggests that such events be used as means of approximation to this segment.[249]

8.3.2.1   Partial conclusion

In the cases of the moto taxis and baile funks there is an added problem to the question of the legitimacy of the control imposed by the MPs, since these activities are in fact to some degree and in some cases illegal, however due to the historical exclusion of favelas from the public sphere, it is questionable whether such laws can be legitimately enacted. Thus, if we take the case of the baile funk, the requirements to have such a baile, as I have mentioned, include the delimitation of parking areas. Due to the topography of many favelas, this infeasible. As for the criminalisation of the "super-prohibited", the legitimacy of such a law is questionable due to the extremely violent relations between the police and the youth of the favelas. In this situation it is difficult

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[247] Cano, 2012, 152.
[248] Cano, 2012, pp. 154.
[249] Rodrigues, 2014, pp. 10.

to justify the illegalisation of the cultural expression of a historical and social fact, unless we automatically presume that the police is a legitimate agent of law enforcement, which, in the Brazilian context is problematic, due to abovementioned history and social conditions. In the case of the Motor-cycle taxis, they are also necessary for life in the favelas, partly due to the negligence of the public, and partly due to the neglect of the state in terms of the provision of basic infrastructure. Fortunately, in the case of this means of transport, the attitude of the police has been relatively lenient and pragmatic in general.**(REF)**

8.4 Benevolent tyrants or owners of the hill?

In the above I have focussed, to some degree focussed on the repressive aspects of the rule exercised by commanders and police officers, however, this is not necessarily repressive. On the contrary, there are examples of how commanders as individuals take an active role in aiding residents with a host of issues, some of them due to the abovementioned structural limitations combined with the entrance of new actors and rules. However, this is not based on the inclusion of the residents in the public sphere, but instead on personal relations and/or initiative of the commander.

An example of how the personal relation to the commander and other qualities residing with the individual citizen can influence the access to rights comes from my field work. Thus, one night I was stopped by the police after a shootout while I was walking home from a bar. The four MPs who stopped us were loud and pointed their machine guns and pistols at our heads. Interestingly, the immediate reaction of the other three guys was to say that "aqui só tem trabalhador", that is, "we are all workers."[250] As I have mentioned above, the category of worker is often used by poor Brazilian when confronted with the police, in order to claim their rights. After this incident my informants were upset and complained about the treatment by the police, noting that drug traffickers were more respectful and didn't shout at people, while discussing the incident, the same MP's came driving by slowly in a car, holding their pistols and machine guns out of the

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[250] Field notes.

windows and looking at us. Consequently one of my informants said that he would go to the commander and complain, because he knew him personally. Later I talked to this informant who said that he had indeed gone to the commander to complain. When asked if he was afraid he replied that as long as this particular commander stayed in place, he didn't have reason to be afraid of retaliation.[251]

An example of the personal initiative of a commander to the benefit of the community also comes from my field work and regards the problem with payments for electricity, after the formalisation of this service and the concomitant rising prices prompting demonstrations against usurious bills.[252] This had prompted the commander to arrange inspection with the company, Light, where they would go to the concerned residents house and check the number of electrical devices etc. to check whether the bill seemed reasonable. Here, the commander acts as a mediator between residents and outside society. In this the case, the commander stressed that this was necessary for two reasons: first, since other government agencies are not present alongside the UPPs; Secondly, the residents are not used to interact with the state and do not trust that it has as its purpose to further their interest. There is thus a necessity for a mediator between the state and the residents, something that has historically been the domain of the residents associations. Ideally this role could be carried by the residents association in cooperation with human rights NGO´s with expertise to deal with the relevant state institutions. However, in some cases, this vacuum opens up for commanders to engage in local politics Researcher at ISER, Marianna Olinger, who mentions one police officer who is also the (pastor) of a local church and demonstrated an interest in influencing politically the direction of the residents association.[253] Thus, the lack of socially constituted rights and socially constituted legal subject who can claim them also has as one of its consequences the overtake of the political sphere by some of the commanders, encroaching on what used to be the domain of the residents' associations, although they are not necessarily more controlling than the drug gangs.[254] This is a problem, if we

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[251] Field notes
[252] Field notes
[253] Olinger, 2012, pp. 168
[254] Cano, 2012, pp. 181-182

assume that the residents associations are the most locally grounded and legitimate political institutions representing the favelas, and that the relief from the traffickers might offer them the opportunity of taking up the role of political rights-giving communities, claiming the rights of residents vis-a-vis the state, and actively participating in formulating rights.

The discourse of necessity, victimhood danger and heroism, coupled with the still limited presence of other branches of the states and the lack of regulations of conduct thus seems to lead to a status of the commanders and privates in the UPPs that are in some ways similar to that of the drug traffickers, that is, the *"owners of the hill."* Who are *"at the same time the benefactor and the judge",* as the video, UPP – Came to Stay, describes the role of the drug traffickers.[255] However benevolent this may be, it has the effect of closing the public sphere, similar to tyranny as characterised by Hannah Arendt.[256] In so doing, it also risks turning citizenship passive and receptive.[257]

This is also evident in the attitudes of some residents and commanders. Thus, the abovementioned historical conscience of my informant, in other cases seems to turn into a certain paternalism.[258] In some ways the attitude of segments of the populations of the favelas also have a soupçon of this, and I have noted above how the official website and the Twitter page of the UPPs are full of interviews and statements by residents professing their gratitude towards the UPPs and the governor how it is a dream come true, etc. *However, this attitude seems to be dependent on whether or not they belong to the categories of risk, or engage in the activities associated with a perceived risk, threat and danger.* An interesting example is the evangelical community, especially because of the otherworldly and thus to some degree a-political nature of Christianity.[259] (which is not to say that they don't engage in politics, since the spreading of an a-political message can be exactly a way of engaging in politics).

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[255] Government of Rio de Janeiro & UPPs, UPP Came to Stay, Index: as_upps_us (public), 29 April 2013, available at http://www.upprj.com/index.php/as_upps_us (consulted on 07 June 2014).
[256] Arendt, 1998, pp. 202.
[257] Carvalho, 2002.
[258] Cano et al., 2012, pp. 181.
[259] Arendt, 1998, pp. 53.

Thus, the members of these churches see the UPPs, to some degree in line with the official discourse, as the divine salvation from the drug gangs.[260]

8.5 Symbolic control

The status of the MPs as the new "owners of the hill" or "dads" of the favela residents is also evident on a symbolic level in a number of ways.

These invasions are carried out with the "caveirão" - the large skull, which is an armoured vehicle, with a radio on top that would historically say the words, "Vim buscar sua alma" – *"I have come to take your soul"*.[261] (I have not been able to verify whether this is still the case) this is followed by raising the flag of Bope, a skull penetrated by a knife and two pistols, or the Rio state flag, together with the Brazilian flag, on the top of the invaded favela, where drug traffickers would usually have their base, by a commander of Bope, usually accompanied by one or more children.[262]

After the installation of the UPP this symbolic takeover continues in a number of ways: One example from one favela is paintings on buildings and light posts with the letters UPP, and the covering with blue painting (which is commonly identified with the Military Police) of paintings with the letters of the former drug gang.[263] In this way the control of the favela by the UPPs and the symbolic substitution of local power is expressed. However, during my field work, I noticed several tags by the local drug trafficking gang, the ADA (short for *friends of the friends)*, that were left in full view. Thus, again, this is not an explicit policy, but an overreach of power, due to the lack of established standards of conduct in conjunction with the authoritarian attitude of the military police.

The symbolic takeover is not limited to the territorial space, but also its inhabitants. As I sought to show in the above, this is the case with the children, who the police seek to win over in order to change their reference. Thus, another example of the symbolic shift

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[260] Rodrigues and Siqueira, 2012, pp. 37.
[261] Amnesty International, 2006.
[262] http://odia.ig.com.br/portal/rio/de-olho-no-futuro-estado-finca-ra%C3%ADzes-no-macacos-1.251421
[263] Rodrigues André & Raiza Siqueira, 2012, pp. 46-47.

in power, are the 15 years proms, that are a tradition in Brazil. These proms are rituals of transition, marking the passing to adult womanhood, including sexual maturity. These proms have been promoted by the Coordinating Office of the Pacifying Police (**CPP)** in a number of favelas and are also have high degree of visibility on the official web page, where both photos and videos from the proms are published. In one of these videos we follow four adolescent women from the favela, Morro dos Macacos, who invite the governor to participate in their prom and express their gratitude towards him for the pacification, because "without his help, we wouldn't have had this party."[264]

Thus, the discourse of victimhood and salvation by the UPPs is also present in the discourse surrounding this initiative. In another video the secretary of security, José Mariano Beltrame states that it is "the dream of any girl" and links it to the pacification in saying that,

"it's a change of paradigm, the presentation of a different perspective, other possibilities, right, that the pacification presents, I think it's a consequence of everything that has been done in there".[265]

During these proms, the girls dance with MP, both privates and commanders as well as the chief coordinator of the pacifying police, the governor, the secretary of security, and some celebrities. The policemen and commanders that accompany these girls are referred to as princes and the adolescent girls as princesses, in accordance with the vocabulary pertaining to this tradition.[266]

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[264] Government of Rio de Janeiro and The UPPs, Video: Debutantes do Morro dos Macacos entregam convite do baile ao Governador Sérgio Cabral, Index: video/videos-interna-interna/Debutantes-do-Morro-dos-Macacos-entregam-convite-do-baile-ao-Governador (public), no specification of date, available at http://www.upprj.com/index.php/video/videos-interna-interna/Debutantes-do-Morro-dos-Macacos-entregam-convite-do-baile-ao-Governador (consulted on 15 June 2014)

[265] Government of Rio de Janeiro and the UPPs, Video: Baile de Debutantes da Providência, Index: /video/videos-interna-interna/baile-de-debutantes-da-providencia (public), no specification of date, available at http://www.upprj.com/index.php/video/videos-interna-interna/baile-de-debutantes-da-providencia (consulted on 02 July 2014).

[266] Government of Rio de Janeiro & The UPPs, Concurso seleciona meninas que vão representar UPPs em Baile de Debutantes, Index: acontece/acontece-selecionado/concurso-de-redacaeo-com-130-meninas-vai-definir-representante-de-upps-em-b/CPP (public), 09 November 2013, available at http://www.upprj.com/index.php/acontece/acontece-selecionado/concurso-de-redacaeo-com-130-meninas-vai-definir-representante-de-upps-em-b/CPP (consulted on 15 June 2014)

This rite of passage is interesting because of its traditional meanings concerning sexual maturity mirrored in the vocabulary, that is, princesses being *lead* by princes wearing the blue uniform of the UPPs.[267] In one of the many videos, articles and photos of these recurring events, that can be found on the twitter account and web page of the UPPs, we hear the music being played in the back ground by a string orchestra. The melody is from the romantic and sensual song, "In the Light of Your Eyes", by the famous Brazilian and brilliant poet and musician, Vinicius de Morães.

Here we see how the discourse of victim hood is coupled with the notion of sexual control by the policemen. In this sense it is striking that the first prom was suggested by Captain Glauco Schorcht, who is the commander of the UPP in the Favela, Morro da Providência, and who is also pictured on the web-page dancing with some of the prom girls, in response to some of the local girls' petition to let them have the *"baile funk"* after it had been prohibited. The response of the commander was a no, but instead he suggested this "fairy-tale experience".[268]

The baile funks of the unpacified favelas were infamous for their presence of armed criminals who would express their power through the control over violence and women. The control over women is thus an important element of being "*the owner of the hill*", and in the case of the UPPs, as with the drug traffickers this is both a social and a a sexual control. Thus, one informant from an NGO, told me how PMs from the UPP of Rocinha would shout "hein putinha" after girls whose attire they perceived to be inappropriate, saying that they should have a relationship with them, since they would turn them into "uma mulher direita". There are also accounts from one favela, that the sexual violence and control includes having nocturnal parties with "very young girls". As in the case

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[267] Government of Rio de Janeiro & The UPPs, Official Twitter Account, Index: /upprj/status/455795318425006080/photo/1 (public), available at http://t.co/X1A71RxJcB (consulted on on 15 June 2014)
[268] Andrade & Monteiro, 2012, pp. 22.

of the children and other residents, these relations with MPS may represent a risk to these girls, as the account of a girl that was expelled from a favela for having a relationship with a policeman exemplifies.[269]

9   Conclusion

In this thesis, I have sought to analyse the impact of the so-called pacifying police units in terms of one of their official objectives, that is, to bring citizenship to the residents of Rios favelas. In line with Hannah Arendt and Jürgen Habermas, I have argued that citizenship is dependent on an open public sphere, where citizens can come together and exercise their public autonomy by participating in formulating and claiming rights. Due to the exclusion of favela residents from the public discourse and will-formation, the favela residents have not been allowed to assert themselves as citizens in the public sphere of Brazil and Rio.

Simultaneously, the neglect by the state of the territories comprising the favelas has mean that the private autonomy of their residents has historically been systematically violated by the police and drug traffickers, with the consequence that the exercise of public autonomy and the emergence of a public sphere inside the favelas became problematic, at the same time as poor favela residents were systematically excluded from the public sphere outside of the favelas. In this context, the UPPs, in theory, represent a step in the direction of promoting a public sphere where the exercise of citizenship is possible, because of their impact on the level of physical violence, which hitherto stymied the private autonomy of favela residents as a necessary prerequisite for public autonomy, and because of their opening up of the favelas for other public and private actors, a potential that, so far, seems to have been un-fruitful for the reasons that I will sum up below.

The abovementioned exclusion has had and has a number of consequences. Primarily that favela residents have not been allowed to participate in the construction of their duties, rights and citizenship which contributes to a lack of legitimacy and efficiency of these rights and duties in the social cultural and geographic context of the favelas. I

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[269] Rodrigues & Siqueira, 2012, pp. 29.

have tried to highlight this problem by pointing to the examples of the baile funk parties, as well as the moto cycle taxis. However, this problem is not limited to these two examples, and another critical problem is perceptions and legislation concerning infrastructure, since many favela residents have had their houses demolished due to the alleged risk of collapses on the often steep hills of the favelas. Similarly, the hegemonic discourse constructing the favelas as places of danger, risk and violence, and the favela residents as simultaneously victims and potential perpetrators has its source outside the favelas, partially in the official discourse of the state and partially in the public discourse.

This exclusion has also deprived favela residents of the relationship to the state as rights-bearers towards a duty-holder as fully socially constituted legal subjects, that is, citizens. In this context their rights can be instrumentalised according to external power projects, with the consequence that they become subject to these external projects and can be as easily taken away as they are granted. I argue that this is the case with the UPPs on a number of levels. First, the project appears to be guided by a political empresarial project with a view to the up-coming mega-events in Brazil and Rio. Second, on the level of the UPPs and their day-to-day interaction with the favelas, rights are instrumentalised both in the cases where commanders enters into politics, but more interestingly in the way the moral project of MPs as the representatives of the project is used to justify control and paternalism. This moral project is inspired both by the official discourse and by the prejudices prevalent within the military police. However this could potentially be countered by establishing channels of interlocution, participation and accountability between the military police and the favelas.

However, the lack of such institutionalised channels for participation and control by the favela residents, throughout the "pacification" process in conjunction with its vague and broad objectives, has a number of consequences limiting this impact, and perpetuating the form of rule of man over man, that was also typical of the drug lords.

Thus, the lack of formalised channels of participation and interlocution combined with the lacking status of socially constituted legal subjects of favela residents, has as a consequence that the services carried out by the MPs of the UPPs, come to be

simultaneously guided by the too broad and vague objectives and the discourse of victimhood, risk and danger, which is present in the official discourse of the state and the public discourse outside of the favelas. In other words, the broad and ill-defined objectives allows for suspect categories, such as race and age to inform the conduct of police officers. Thus, in constructing the favela residents as a category of both victim and potential risk and danger, the discourse guides the action of police officers.

This has a number of consequences. First, these come to take the form of what Habermas terms normalizing interventions. These normalizing interventions take the form of moral projects inspired by categories that are external to the favelas, and in the formulation of which they have not taken part. This is so both in terms of extra-legal intervention in the individual lives of residents and their forms of sociability and in some of the legal regulations that come to regulate the public sphere in the favelas.

At the same time as the categories that inform these normalizing intervention lack in legitimacy and efficiency because of the lack of participation by residents, this causes a boomerang effect, or an evil circle, whereby the illegitimate suspect categories inspire fear of the consequences of including favela residents in the public sphere. This fear warrants the closing of the public sphere and the monopolisation of action, as in the case of the baile funks, the community radio in the Santa Marta favela,[270] or the political encroachment on the residents' associations by commanders and private projects. The monopolisation of action, again, has the consequence of making the interdependence of rights, that is, the mutual interdependence of private and public autonomy into a question of conditionality, with the consequence that all rights become dependent on this externally formulated and implemented program. This can be seen both in the official discourse, in the attitude of some residents, and in the symbolic overtaking of the favelas space and residents by the police. In this situation there is a risk that they become passive beneficiaries of the gift of "citizenship", in a way similar to la joyeuse entrée, and as José Murilo Carvalho has pointed out in the Brazilian context. This can also be seen in the expressions used to describe the aims of the UPPs

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[270] Fleury, 2012, pp. 217.

– such as "The rescue of citizenship", the presentation of them as the panacea for the problem of violence in Rio by the public authorities, etc.

In other words, The lack of specifications of police conduct and the objectives of the program informed by popular claims and demands allows for the implementation of the program to be informed by external interests, personal idiosyncrasies, social and racial prejudices, and illegitimate legislation. This is so both on a day to day basis, in the interaction between police and residents and in the process of choosing where and when to expand the program.

The lack of legitimacy has consequences for the longterm viability of the project, partly because of the problem with applicability of rights to the specific conditions of the favelas and partly because of the perception on the part of residents of the lack of legitimacy, leading to protests, and a perception of the necessity of increased control, which in some cases even turn physically violent, such as in Pavão-Pavãozinho, as mentioned above.

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