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The pursuit of the 'dead bandit':

A decolonial analysis of the persecution of the marginalized in Brazil

Abstract

This article examines how the persecution of dissenting and marginalized populations in Brazil has intensified under the banner of crime control since the rise of the far-right to mainstream politics. Through decolonial lenses (Walsh and Mignolo 2018; Dimou 2021), it explores the ways in which anti-human rights discourses and Brazil's myth of racial democracy relate to the legacy of colonialism in the experiences of urban poor and racialised communities. The aims of this work are to interrogate social relations and critically engage with the intensification of authoritarian neoliberal forms of governance. Reflecting on examples, such as the persecution and criminalization of political opponents, this article sheds light on examples of how coloniality is continuously reproduced in the politics of backlash that have become globally prevalent. The politics of backlash, as a variant of contested politics, often fuelled by anger and resentment, are central in the construction of retrograde and discriminatory transformations (Alter and Zürn 2020). By examining cases in Brazil, the article offers an analysis of how 'coloniality' (Quijano 1992; Walsh and Mignolo 2018) enriches critical understandings of the inequalities and discourses that operate to dispossess, silence, persecute and criminalize thousands of people.

Keywords

Criminalization; Neoliberalism; Brazil; Marginalized; Coloniality.

Introduction

The murder of Marielle Franco in 2018 drew international attention to the persecution of communities of colour in Brazil, and the othering processes that render black lives, including the lives of radical Black and Indigenous activists, expendable. As a gay black woman born in one of Rio's poorest communities, an advocate of the rights of Afro-Brazilians and LGBT community, who was campaigning against police violence in the favelas and heading a commission tasked with monitoring military intervention in Rio, Marielle was the epitome of the 'other'. Marielle's murder is one high-profile case among the thousands of murders and many forms of violence affecting afro-descendants in Brazil each year. Understanding this context requires an analysis of the construction of the 'human' in interconnection with the labelling processes and criminalization of communities deemed exploitable and expendable. The history of coloniality is the foundation of what human came to mean (Mignolo 2014). This article sheds light on decolonial insights that offer an understanding of persecution and criminalization in relation to who is perceived as 'human' today.

A growing body of critical criminological literature has begun to question the roles and legacies of colonialism and their effects on a range of fronts. These range from the everyday operations of criminal justice (Cunneen 2011; Cavalcanti 2020), to the very origins and development of criminology (Agozino 2003; 2019) and the definitions, concepts, frameworks and questions with which the discipline engages (Aliverti et al. 2021; Dimou 2021). This body of literature has created a crack in criminological discourse, which is generating important ongoing discussions and new knowledge relating to contexts, theories and ways of thinking that go beyond the boundaries of Eurocentric, Anglo-centric, northern thinking. This fracture is being permeated by decolonial perspectives that are more inclusive of the voices of research subjects and scholars in and from diverse backgrounds. Offering a contribution to critical and decolonial perspectives in criminology, this article shares the effects of socio-political developments in Brazil that have been shaping the discourses and material realities of criminalized communities through anti-human rights agendas and the intensification of neoliberal forms of authoritarian governance.

This article questions the changing boundaries of politics and racialized measures of exclusion, which ultimately interlock to justify violence against political opponents, those othered, and those who oppose or defy social injustice, capitalism and exploitation. The article is structured as follows. Firstly, it presents current examples of

the discourses about ‘banditry’, which are used to limit human rights and who can be considered a human. These discourses are presented as contemporary manifestations of coloniality. Secondly, the article examines the historical context of persecution of those constructed as ‘bandits’ in Brazil. Thirdly, it advances understandings of how the social construction of banditry is intertwined with the myth of a racial democracy (Chauí 2000; Nascimento 2021a, b; Fernandes 2008; Ribeiro 2019). Finally, the article explores developments in Brazil’s current political context revealing how the persecution of previously enslaved marginalized populations and of those who act against inequalities – militants, activists and the progressive left – is being legalised, justified and pursued.

The social construction of banditry: Who is considered human?

The intricacies of Brazil’s enduring anti-human rights discourses can be fleshed out by focusing on what such discourses produce. Such ideologies have been used to justify and enact authoritarian practices and legislative changes, especially since the conservative/far-right turn in Brazil (2016-date) (Souza 2019). Those familiar with Brazilian society will have heard popular anti-human rights rhetoric, including the phrase *bandido bom é bandido morto*, which translates as ‘a good bandit is a dead bandit’. They may also have heard the phrase *direitos humanos pra humanos direitos*, ‘human rights for righteous humans’, which implies that those who deviate, those who have committed criminal offences or who are perceived as ‘bandits’ are not entitled to human rights. By way of example, there are numerous claims made on live television and on social media, including claims by Brazil’s president Bolsonaro: “There can be no human rights for bandits. The more rights they have, the more violence for good citizens.” (Bolsonaro, Facebook post 4th August 2018, my translation). This post accompanied a video by a military police officer calling for more government spending on the police and harsher punishments for ‘bandits’, a term which in Brazil is more politically charged than the word ‘criminal’.

Bandit often indirectly implies, through the “art of discriminating while denying it” (Caldeira 2000: 89) a poor racialized dangerous other (see also Caldeira 2000: 32 and 40). Such rhetoric is often seen in the media, used by conservative politicians and a range of other social actors, as well as many ordinary Brazilians. These discourses are embedded in the country’s history of colonialism, authoritarianism and authoritarian cultural relations (Chauí 2000; Souza 2019). But they also make visible blurred and

contested boundaries between the state and civil society activists amid the rising global authoritarianism in which the pursuit of the dead bandit is situated. As Landy (2013) suggested, discourses around human rights can be paradoxically used to constrain and enable solidarity movements. These discourses attempt to demarcate areas of exception, or more precisely, categories of people for whom democratic rule can be suspended.

Previous social media posts by President Bolsonaro follow similar far-right ideologies, which have proliferated on social media, gathering steam during the economic crisis that hit Brazil in 2014 (Saad-Filho and Morais 2018). Bolsonaro has claimed that Brazil is under the risk of communism, that he will combat all activism and that human rights are only for righteous humans (BandNews TV 2018). Such discourses are not new in Brazil. They are a powerful tool, part of the institutionalised “harmful lies” that Boaventura de Sousa Santos (2014) characterises as the “historical record of global capitalism, colonialism, and patriarchy” (p. viii). This is a twisted record in which control is exercised in the name of ‘emancipation’, “appropriation in the name of liberation, violence in the name of peace [...] violation of human rights in the name of human rights, societal fascism in the name of political democracy” (ibid). Such harmful lies foster punitive attitudes towards othered social groups and those perceived as criminals.

The impact of these discourses can only be understood by delving deeper into Brazil’s context of enduring coloniality. The concept of coloniality emphasizes the durability of processes associated with colonialism on the logics, minds and power relations that permeate the world at large (Quijano 1992; Walsh and Mignolo 2018). As Mignolo (2009) explains, the very idea of ‘Human Rights’ is problematic as it “presupposes that “human” is a universal category accepted by all” (p. 7), an idea founded on the myth of equal status at birth. The dehumanising quotes and common sayings alluded to above confirm this critique, the category ‘human’ is not neutral, nor is it universally accepted or used for all.

Dehumanising and criminalizing discourses reveal the ways of governing and controlling previously enslaved populations. These discourses are currently being converted into state practice at speed. The workings of these discourses illustrate the production and reproduction of long standing unequal social relations embedded in the hierarchies of colonialism that they espouse. Examining the multifarious ways in which *bandidos* are created and constructed – be those urban marginalized communities,

leftists or activists – makes it possible to shed light into the normalization of violence, criminalization and persecution.

The criminal justice system, the police and the state play key roles in this reproduction of a long history of authoritarianism, enforcing versions of security through unrestricted force (Alves 2018). Such forms of security and the normalization of violence entrenched in them beg the question: security for whom? This context is not unique to Brazil. However, the Brazilian case reveals much about long-term State-civil society relations in Latin America and the effects of new global convergences by political far-rights (Renton 2019). Persecuting dissent and ideologically justifying the uses of diverse forms of violence against those constructed as *bandidos* are political tools used in increasingly unequal neoliberal societies.

Historical and social context of authoritarian law and order

Brazil's overarching social and political structures have historically remained unchanged since colonial times. This is a central characteristic of coloniality as defined by Quijano (1992). While colonialism can be analogous to flag planting, coloniality refers to the systems of power and structures that continue to shape all aspects of social relations long after the end of colonialism (Dimou 2021). Walsh and Mignolo (2018: 10) argue that the colonial matrix of power impinges on every aspect of life but chiefly in the interconnected spheres of “(a) the coloniality of political, economic, and military power (interstate relations), and (b) the coloniality of the three pillars of being in the world: racism, sexism, and the naturalization of life and the permanent regeneration of the living”. In Brazil's case, the continuity of coloniality is seen in the persistence of authoritarian power relations, as Pinheiro noted:

“in spite of the proclamation of the republic, no major transformations in the social structure or in the groups in power had occurred. The continuity from the empire to the First Republic followed a pattern borne out in the history of Brazil. In such transitions, the political elites tend to change little. Because of this deep continuity, it is hard to establish a distinction between the political cadres of the First Republic (1889-1930) and the dignitaries of the empire, just as later it would be difficult to tell the difference between the personnel of the military dictatorship and the ruling class of the New Republic inaugurated in 1985” (Pinheiro 2009: 175).

Arbitrary practices by state institutions, not least the judiciary and police, including discriminatory treatment towards poor and black communities have prevailed during every political transition. A persistently unequal social structure has meant that “the authoritarian practices of past governments were little affected by changes in political regimes or elections.” (ibid).

The continuity of authoritarianism in contemporary Brazil must be situated in its social context, where forms of physical and structural violence are key features of contemporary social relations. Rates of homicide have been high for several years, reaching 30.33/100,000 inhabitants in 2016, that is, thirty times higher than European rates (IPEA 2016). Approximately 60,000 Brazilians are killed each year (Cerqueira et al. 2016), making fear of crime and the political currency of security and crime control agencies central to the country’s social picture. Experiences of violence, unsurprisingly, are deeply unequal and heterogeneous (Cavalcanti 2020; Marques 2021). For example, even when Brazil experienced improvements in reductions of economic inequality, levels of lethal violence continued to rise, disproportionately affecting urban poor afro-descendant communities (Cavalcanti 2020; Marques 2021). This high-violence context gives prominence to debates around the constructions of crime, criminals and police use of force, including questions around “whether police should combat public insecurity with even *more* violence, or whether police violence is a major part of the problem” (Cavalcanti and Garmany 2020: 104).

Under such circumstances, Brazilians are deeply concerned with growing violence. The fear and anxiety generated by increasing levels of violence disintegrate the social fabric, reduce the use of public space, engender punitive attitudes to crime and criminals, and support for demagogue politicians who propose counterproductive tougher approaches to crime (Caldeira 2000, Scheper-Hughes 2004). This routine fear and anxiety are no longer associated with the kind of political violence experienced during the military regime (1964-1985) (Pereira 2005). Fear has been intertwined with the urban violence that is associated with the deterioration of networks of social control and the rapid emergence of organised crime in Latin America, particularly the international drug trade (Misse 2011). Fear and violence have led to demands for some form of safety and ‘security’, fuelling growing support for punitive politics and facilitating the return of an authoritarian government. There is indeed plenty of research

to support the notion that insecurity produces fear and subsequently impacts punitive attitudes (Singer et al. 2020).

The election of far-right president Bolsonaro in 2018 – alongside his authoritarian discourses, proposed public security changes and governmental practices – have renewed concerns with political forms of violence, including the amplification of targeting leftist activists and political opponents. It is important to emphasise however that although such processes of persecution and political violence are escalating, they existed before the election of Bolsonaro (cf. Heil 2010). For instance, anti-terrorism laws and discourses have been used to criminalize activists long before Bolsonaro’s election, from members of the landless movement (*Movimento Sem Terra*, or MST) who oppose evictions to members of unions who have organised large strikes (Fon Filho 2008). Indeed, police violence was a central feature of the state’s response to large scale protests by precariously employed youth in 2013 throughout the country (Amaral et al. 2017).

Throughout the 20th century in Latin America, labour unions, peasant leagues, political dissidents, students and ordinary citizens were routinely tortured, disappeared and crushed by military regimes (Pereira 2005, Dangl 2010). At that time the genocide of Indigenous peoples, which began during the imperial invasion of European settlers around the 16th century, took new forms. The extermination of Indigenous peoples, cultures and languages, and the appropriation of their lands, were gradually and continuously destroyed through a governmental push for ‘assimilation’ and ‘integration’ (Souza 2019; Nascimento 2021a [1978]). In fact, these were publicly stated goals for Brazil’s military government, as stated by the Minister of Interior Rangel Reis at an interview in 1976:

“We are going to try to fulfil the goals set by President Geisel so that, through focussed work between several ministries, in 10 years from now we will be able to reduce the 220 thousand Indians in Brazil to 20 thousand, and in 30 years, all of them will be properly integrated in the national society” (as cited in Nascimento 2021a [1978]: 51, *my translation*.)

The work of Nascimento (2021a, b) reveals how population whitening, through narratives of assimilation, miscegenation and the myth of a racial democracy were crucial for the genocide and persecution not only of Indigenous peoples, but also against

Brazil's large afro-descendant population. Importantly, his work also sheds light on significant movements of resistance against persecution and extermination, which have taken many forms, including through *quilombo* communities for many centuries (Nascimento 2021b [1980]). Quilombos existed throughout Brazil, initially formed by escapee slaves and freed African people living in communal lands (ibid, pg. 74). These communities organised alternative socioeconomic and political institutions, complex and efficient agricultural production in direct contrast to the monocultural production of colonisers' economies that were exclusively aimed at supplying goods to European metropolitan markets. Moreover, quilombos were 'qualified in the arts of combat' and permuted the fruits of their agricultural production with their Indigenous neighbours in forested areas (p. 69).

Broadly speaking, communities of resistance, social movements, and activists – who have defended the rights of marginalised populations, Black and Indigenous peoples – have always been targeted, persecuted and neglected by governments around the world. As Dangl puts it, “the state and governing party is, by its nature, a hegemonic force that generally aims to subsume, weaken, or eliminate other movements and political forces that contest its power” (2010: 5). Take as an example the critique that social movements were being left behind by the leftist Workers' Party (*Partido dos Trabalhadores*, or PT henceforth) after Brazil's ex-president Lula came into power in the early 2000s (Dangl 2010, Petras and Veltmeyer 2005). These very social movements had played key roles in the demise of tyrannical military dictatorships that ruled Latin America in the 1960s, 1970s and 1980s. Lula himself had been a key ally of the movements, a leading trade unionist from humble beginnings, who took part in the struggle against military rule. But after elected president, he made alliances with the right, and was seen as a traitor, an ally of big business and neoliberal elites (Petras and Veltmeyer 2005). Essentially, to win the presidency, the worker's party “knew they had to expand their base beyond leftists and workers” (Dangl 2010: 130), an issue that is now well documented (Saad-Filho and Morais 2018).

The impeachment of the Worker's party President Dilma Rousseff in 2016, and the incarceration of ex-President Lula in April 2018 were clear strikes by right-wing authoritarian elites, under the cloak of technocrats, in the gradual processes of democratic weakening that paved the way for far-right President Bolsonaro's presidency (Souza 2019: 249, 254). Whether or not the current conjunctures are caused by the failures of the left, the re-emergence of authoritarianism in mainstream politics,

and the effects thereof, are global issues. The 2016-2017 political crisis includes not only Brexit, the election of Trump, but also wider dynamics such as “the defeat of the Arab Spring, and of democratic social movements in countries such as Bahrain, Egypt, Libya, Syria and Yemen, and the defeat of a series of relatively liberal but pro-austerity parties in Hungary, Lithuania and Poland” (Renton 2019: 5). Egypt, the Phillipines, Turkey, Russia and Brazil are other examples that illustrate the global re-rise of authoritarianism, the social and political regression that sees the likes of activists, dissidents and independent journalists jailed and persecuted at a faster rate again.

A range of national and international crises – crisis in economies and capitalism, a post-9/11 shift in public attitudes and boundaries of normal politics, the global Covid19 pandemic – all provide fertile ground for the type of racialised exclusion and fabricated political consent that companies such as Cambridge Analytica can construct and promote around the world. So, while Brazil’s history and context have some unique features, these are intertwined with wider manifestations and transformations of the colonial matrix of power, from which lessons must be drawn. Walsh and Mignolo remind us that the current day’s right-wing politics build on a neoliberal capitalism that is founded in “a politics and economy of extractivism that advances the destruction of lands-beings-knowledges” while perpetuating coloniality through a range of often conflicting discourses and politics of “right-wing nationalism, neoliberal globalism and progressivism” (Walsh and Mignolo 2018: 6). A decolonial approach is even more important if criminology is to “delink” from this matrix, think outside and in the margins to disobey universal rhetoric and create fissures in the modern/colonial patterns (coloniality) that continue to negate, distort and deny knowledges and life through racism, patriarchy and the exploitation of bodies and territories. Delinking, whether epistemic or emotional, means “conceiving of and creating institutional organizations that are at the service of life and do not – as in the current state of affairs – put people at the service of institutions” (Mignolo 2018: 127). Critically examining the rhetoric that surrounds the term banditry is crucial for departing and delinking from epistemic assumptions that are used to justify the continuation of coloniality.

Coloniality of power: the myth of a racial democracy

Understanding manifestations of racism are central for any decolonial or critical criminological analysis (Parmar, Earle and Phillips 2020). The creation of racial and gendered ideologies during colonialism served the purpose of legitimising and

justifying capitalist exploitation, land appropriation, dispossession, genocide and slavery inflicted by European empires (Quijano 1992; Federici 2014; Dimou 2021; Walsh and Mignolo 2018). These ideologies have lasting consequences, witnessed for example in how history is told, erasing, and silencing the experiences of Indigenous and Afro-descendant people (Nascimento 2021b: 83-85; Chauí 2000) that challenge mainstream narratives of progress, modernisation, civilisation and salvation.

The functioning and purpose of criminal justice institutions, as well as the discourses that are used to legitimise criminalization, are indelibly marked by histories of colonialism and racism (Alexander 2010; Aliverti et al. 2021; Darke and Khan 2021). The construction of the figure of the bandit, criminalization and the very concept of crime are always linked to the structures and systems that define them, serving as instruments of domination and oppression, through multiple complex processes that are well documented by critical, decolonial, post-colonial and counter-colonial criminology. These processes include othering but also forms of erasure, reconstructions of history and the creation of myths.

There is an established discussion of political authoritarianism and its links to coloniality and race in Brazil (Chauí 2000; Souza 2019). For example, the misguided concept of a ‘racial democracy’ emerged in the work of Gilberto Freire: *Casa Grande e Senzala* (1933), which translates as ‘The master’s house and the slave camp’. A long-standing myth, racial democracy is the idea that there exists cordiality and harmony between multiple ‘races’ and ethnicities in Brazil. In a nutshell, according to this myth, racism apparently does not exist in Brazil, allowing black people to progress through the social ladder and enabling the ultimate mixing of races. Alongside other myths – including the idea that Brazil has a “peaceful, orderly/generous, happy and sensual people, even when suffering” (Chauí 2000: 4) – these false conceptions are a source of much patriotic pride in Brazil. But the ideology of a racial democracy, often disseminated by the media and conservative sectors of society, is regularly challenged by critical scholars, social movements and black activists in political struggles for rights and justice (Almeida 2019; Ribeiro 2019).

The racial democracy and associated ideas have long been debunked (Nascimento 2021a, b; Almeida 2019; Fernandes 2008), especially in the rigorous work of Brazil’s afro-feminist activist scholars (Gonzalez 2020, Ribeiro 2019). At the top level of policy making, Brazil had under the Worker’s party government in the 2000s acknowledged the existence of the issue of social, structural and state racism and

adopted a range of policies to address the inequalities affecting black communities, such as the establishment of a system of quotas to expand university spaces for black and underrepresented Indigenous people. Despite such improvements, black and Indigenous communities are recurrently implicitly and sometimes explicitly placed outside the moral community, rhetorically associated with crime and subjected to the violence of the state. An example is the common conflation in Brazilian Portuguese of the word ‘marginal’ with ‘criminal’ (Perlman 2010; Cavalcanti 2020), which is built on racialised boundaries. The marginal is the dangerous other, the urban, often young, black poor in peripheral communities. So, just as crime and crime control are rooted in the history and experiences of colonization, “the colonised is forced to exist as an embodiment of race: an embodiment that is increasingly overladen with significations of criminality” (Cuneen 2011: 14).

This deeply ingrained association of criminality with marginalized and colonized people produces the continuation of a context in which transgressing social boundaries is increasingly seen as a security threat (Moore 2015; Cavalcanti 2020). As argued elsewhere, “the use of public space, access to leisure activities and consumer goods by afro-descendants is policed and perceived as a threat to long-standing power relations that had privileged the dominance of white elites, the ones who are perceived and treated as respectable and deserving citizens.” (Cavalcanti 2017a: 235). Under these circumstances the myth of racial democracy becomes apparent and so does the construction of *who* is a bandit: poor, marginalized, previously enslaved, black, Indigenous people and those who fight for justice, those who threaten to reduce social divisions and change the status quo, including activists, social movements and the progressive left¹. The construction of banditry is expanded to include the marginalised and those who challenge the eternalization of marginalization, through “selective criminalization of politics” (Souza 2019: 258).

Thinking from the margins: the meanings of banditry

Anglo-centric perspectives are limited in understanding the experiences, forms of organization and meaning-making of the world of banditry in countries like Brazil. The academic use of the term ‘banditry’ is most well-known through the work of Eric

¹ This is not to say that the threats faced by the marginalised are the same as the threats faced by white progressive activists. As argued earlier, harm and violence are heterogeneously experienced.

Hobsbawm (2000 [1969]). However, Hobsbawm used the term ‘social banditry’ in the context of rural societies to refer to peasant outlaws, avengers, and ‘exerters of power’ (p. 63) who were regarded as criminals by the State but often as heroes and fighters for justice by their people. His extensive analysis of social banditry around the world, only captured some regional and local nuances. In relation to Brazil, he argued that “in north-east Brazil, where it [social banditry] entered its epidemic phase after 1870 and reached its peak in the first third of the twentieth century, it ended in 1940 and has not revived since [...] on the whole social banditry is a phenomenon of the past. [...] The modern world has killed it, though it has substituted its own forms of primitive rebellion and crime” (p. 28). The point here is not to critique Hobsbawm’s work, but to note that understanding the uses of the term ‘bandit’ in Brazil requires a contemporary and contextualised analysis grounded in thinking from beyond the North, from the margins. Brazil is now a post-industrial society; its population is mostly urban and so are those in the country who are construed or perceived as bandits. The term banditry in Brazil, whether constructed, imagined or *de facto*, is not dead.

The research emerging on the roles, social functions, political narratives and struggle against oppression by organised bandits, factions or brotherhoods in the ‘world of crime’ as it is known in Brazil challenges the idea that social banditry and rebellion is dead (see for example work by Manso and Dias 2018; Denyer-Willis 2015). Organised groups constructed as bandits such as the *Primeiro Comando da Capital* (PCC) and *Comando Vermelho*, which are indeed involved with large-scale drugs and weapons trading, also fill gaps left by the State in its inability or unwillingness to provide for its citizens (Leeds 1996; Ilan 2015). This ‘parallel state’ as Leeds (1996) put it, often operates through the provision of work (e.g. in the drug trade) and resources (e.g. credit, medicines) by factions and gangs for marginalised communities. These manifestations² of banditry, in Brazil’s context, are significantly distinct from the context outlined by US literature on gangs, as Ilan’s (2015) work demonstrates, thus they shed light on the limitations of Anglo-centric experiences.

The symbolic meanings of the imagined bandit are not dead. The figure and image of the bandit is routinely and daily constructed in the media, everyday talk and

² This is not to say that bandits or drug traffickers are well-liked Robin Hoods in Brazil. In fact, studies show that despite these complex manifestations of roles, residents of poor communities often resist, fear and reject the arbitrary powers of drug traffickers (Marques 2021; Cavalcanti 2020).

political rhetoric (Souza 2019). In contrast with universal narratives of rights bearing citizens or human rights, the figure of the bandit epitomises the social verticalization and destruction of horizontal communal relations that structure the exercise of power through penal systems (Zaffaroni 1998: 19). The outcome is that only “some are deemed worthy of legal rights and protection, while others continue to be deemed expendable, even killable, and the targets rather than the beneficiaries of law” (Darke and Khan 2021). In other words, only a fraction of the population is considered ‘human’, worthy of living and having legal rights. In such arenas, the poor, previously enslaved, Black and marginalized communities have always been portrayed as criminal and referred to as bandits in Brazil (Caldeira 2000; Cavalcanti 2020). In the current far-right era, the bandit has also come to be re-lived in the bodies of political opponents, just as it happened during the cold war and military dictatorships in Latin America (Pereira 2005), reinforcing the relevance and continuity of authoritarianism (Pinheiro 1991).

This history of banditry is linked to the history of capitalism, state power, hunger and resistance to deeply unequal and hierarchical societies (Hobsbawn 2000). Brazil currently ranks as one of the world’s most unequal, and the most unequal Latin American country in terms of income inequality (World Inequality Database 2021), making it a country where diverse modalities of banditry are unsurprising. Those portrayed as bandits are socially and politically organised – evidence of this is present in the extreme levels of organisation of self-build favela communities (Zaluar and Alvito 2006). Diverse groups such as the PCC and the worker’s party are also routinely constructed as bandits (Manso and Dias 2018, Saad-Filho and Morais 2018; Souza 2019). The continuation of discourses that construct the marginalized as bandits, persecuting and criminalizing activists and marginalized groups, corroborate Pinheiro’s (1991; 2009) argument that the institutions of violence, torture and racism, such as repressive institutions of the criminal justice system, have not been transformed by democratic constitutions, nor by the end of colonialism.

Injustice, state violence and disregard for the human rights of the marginalized

“The historical injuries of the colonial period are relevant to understanding the continuation of harms in post-colonial worlds of the Global South” (Rojas-Páez 2017: 70 cited in Carrington et al 2019: 163)

A close and contextualised examination of bandits in Brazil advances these points, moving existing debates forward. In comparison with other societies, the criminal justice system (CJS) in post-colonial societies perpetrates significant larger-scale human rights violations against marginalized communities (Cavalcanti 2020; Wacquant 2003). In Brazil's case, several examples come to mind, such as the involvement of military police in all forms of harm, including in killing bandits with impunity (Alves 2018; Denyer Willis 2015). Bandits are considered unworthy of basic human rights. Much of Brazil's population supports these logics (Caldeira 2000; Souza 2019). Other examples are the removal and evictions of entire afro-descendant communities from land that is deemed as valuable (Perlman 2010; Zaluar and Alvito 2006) in the process of securitisation and alleged pacification of poor and racialised urban communities in the run up to large sporting events, namely the world cup and Olympic games (Machado da Silva 2010). These processes of eviction and dispossession often occurred where land is desirable (e.g. near middle/upper-class areas) and targeted poor afro-descendant communities for removal or 'pacification' ignoring structural issues, and underlying real estate interests, as if the marginalized needed to be pacified. It should be stressed that these examples illustrate that a key aspect of coloniality is race, and this defines who can have access to 'human rights', who can live, who 'should' die. As key feminist decolonial thinkers argue (e.g. Lugones 2010; Ribeiro 2019; Gonzalez 2020), an intersectional analysis is crucial for understanding the structural and interlocking forms of oppression that have disproportionate impacts on Indigenous and afro-descendent women living in favela communities.

The torture and murder of thousands of poor Brazilian people at the hands of police, even when the country is at peace is another case in point (Chevigny 1995; Denyer-Willis 2015). Such atrocities are only made possible with the complicity between national and international state and corporate actors, who collaborate with resources, administrative functions and legislation (Huggins 1998; Cunneen 2011). Take the example of US police assistance with training and resources to military regimes and police in Brazil during and after the cold war (Huggins 1998; Cavalcanti and Garmany 2020) or recent legislative changes proposed by a far-right government under Bolsonaro, including the 'flexibilisation' of gun laws and land appropriation

through mining, agri-business and deforestation in protected Indigenous lands (Carvalho, Goyes and Weis 2020).

Not only does the Brazilian state deny culpability but it actively marketizes and publicises illegal repressive approaches, as seen in the case of Rio's former governor Witzel's video tweets on board a police helicopter with snipers firing shots during drug gang operations (Phillips 2019). Concerns about the escalation of shoot to kill practices have been raised when Witzel – who was one of Bolsonaro's allies – took office in 2019 pledging to give police powers to “slaughter” gun-toting bandits. Here, those considered bandits are never the rich, powerful, or corporate social actors. Just as Cunneen (2011) warned the modern political state is sustained on the human rights abuses of previously colonised and enslaved peoples. In Latin America, according to Pinheiro, the view by elites that the poor are dangerous is fostered by judicial systems that “accuse and punish only the crimes practiced by the individuals of the lower classes while the crimes practiced by the elites remain unpunished” (Pinheiro 1997: 46). Undoubtedly, this ‘selectivity’ in the application of the law (Vegh Weis 2018) generates inequalities disproportionately advantaging state agents and members of the elite and disadvantaging the poorest members of Brazilian society.

The data that is available, even with all the pitfalls of categorisation and construction, reveals that young poor black people in Brazil are more likely to be the victims of police violence (IPEA 2016; Cavalcanti 2020), and disproportionately likely to be prosecuted and sentenced to prison (Wacquant 2003; Cavalcanti 2020). The prejudices of colonial elites, such as the overwhelmingly white upper-class Brazilian judiciary plays a role in the construction of who ends up in prison, who ends up considered a drug trafficker rather than a drug user (Campos 2019; Campos and Alvarez 2019), with estimates that 25% of people in Brazilian prisons are incarcerated for drug offences instead of any serious violent crime (Carvalho 2013). This over-representation of marginalized and racialized people in the criminal justice system begs criminologists to consider the experiences of the colonised, leaving behind “the relatively comfortable zone of positivist definitions of crime” (Cunneen 2011: 6) to consider the voices, dispossession and abuses of the oppressed.

The rise of authoritarian neoliberalism: maintaining coloniality and imperialism

The widespread manifestations of harm, racism and persecution of dissenting communities through the creation of and uses of the bandit figure have been intensified

by the entrenchment of ruthless forms of neoliberal capitalism. The impacts of neoliberal ideology on questions or harm that pertain to criminology in Latin America is not new (Iturralde 2019), see for example, its manifestations in Argentina (Sozzo 2017), Venezuela (Grajales and Henandez 2017), Chile (Klein 2007) and Brazil (Azevedo and Cifali 2017; Saad-Filho and Morais 2018). The 2000s saw the rise of left and centre-left governments in the region that sought to generate post-neoliberal politics, pursuing legislation, policies and practices to address social inequalities, redistribute wealth, re-nationalise industries, invest in education and increase opportunities for the poorest (Carrington et al 2019: 127). These changes problematise the idea of a dominant hegemonic neoliberal form of penalty, challenging the neoliberal thesis prominently developed by academics such as Wacquant (2003; 2008). The progressive politics of the 2000s are however currently being reversed and re-challenged with the rise of far-right governments that spouse the logics of neoliberal capitalism, including structural transformations through deregulation, privatization, austerity measures, reduction of the capacity of public institutions, all of which deteriorate socio-economic conditions (Souza 2019). The same logics are replicated in systems of discrimination based on the logic of division that proposes the right to life only for some (white/wealthy) citizens and utilises anti-human rights discourses to propose death and dispossession for those perceived as inferior, expendable, uncivilised.

Ultra conservative groups and elites have long existed in Brazil. They have gradually crept back into mainstream politics, making the 2000s and early 2010s a period of progressive exception in the country. An example of this is the dominance in congress of right-wing political groups that frame their priority agendas around ‘progress’ through ‘Bullets, Bible, Beef and Banks’ (*Bancada do boi, biblia, bala e banco* or BBBB) (Cavalcanti 2017b). According to Saad-Filho and Morais (2018: 222) the ‘new right’ or the new far-right was gradually consolidated after a series of elite-influenced media fuelled street protests organized in Brazil in 2015. The new right is conceptualized as “a large and heterogenous field of social groups, interests and values that have converged around an unremitting rejection of the PT [*Partido dos Trabalhadores*, or Worker’s Party] and selected aspects of its rule” (Saad-Filho and Morais 2018: 222). These groups combine imperialist interest groups, large domestic capital, the Brazilian elite and sections of the working class that for religious or ideological reasons oppose the expansion of civic rights and progressive values – e.g.

they oppose the criminalization of homophobia and the decriminalization of abortion (ibid). These social actors converge in the selective use of anti-corruption discourse that rhetorically links the Brazilian Worker's Party with corruption (Souza 2019: 108). As Souza (2019) explains, the selective combat of corruption through operations such as *Lava Jato* ('car wash' operation) masked the objectives of Brazilian elites and middle classes, which was "to interrupt the project of social mobility of excluded social classes so that they continue to be – exactly as slaves in the past – hated, superexploited and despised" (p. 108, my translation).

Convergence and collaboration among these social groups exists amid multiple factors that enabled the election of Bolsonaro, a fringe politician to rise to Brazil's highest public ranking. Such factors include a series of fake news disseminated via Whatsapp and social media, the incarceration of Brazil's preferred candidate Lula from the Worker's Party (PT), dubious corruption scandals involving the PT, the economic downturn, the politics of hate and intolerance proposed by the far-right (Souza 2019). Bolsonaro's campaign and plan of government clearly proposed the use of more incarceration, making the illegitimate claim that more incarceration reduces crime. As well as proposing even more incarceration, in a country which has already reached the 3rd highest prison population in the world (World Prison Brief 2021) with extremely over-crowded prisons, Bolsonaro has publicly stated his support for using torture and for the killing of subversives and political opponents, just as it was done during the 1964-1985 military regime (Anderson 2019). As such, under a contemporary authoritarian neoliberal regime, a new form of state response to the perceived criminality of marginalized populations has emerged, that is, to publicly embrace and declare as goals the expansion of incarceration, killing and torture.

Since coming into power, the new right has also proposed a series of legislative changes that can be considered under the broad umbrella of authoritarian neoliberalism, including: on the one hand, cuts to social spending and freezing wages, and on the other the passing of contested and controversial laws permitting the use of toxic pesticides, the removal of protections over the rain forest so that agribusinesses can profit on the land at the expense of the global environment/world's climate change. These attempts at furthering neoliberal development (Menton et al 2021), the removal of protections, mean increasing threats of elimination to remaining Indigenous populations, demonstrating the continuation of coloniality in the extermination and ongoing erasure of people considered as expendable (Indigenous and afro-descendent population).

Other examples include the repeal of gun control legislation, the passing of laws that enable violent police to access impunity, amid others. This authoritarianism is being contested and resisted with protests, general strikes and not least by international independent journalism (e.g. see *The Intercept*).

An example of the current political shift is the decree that President Bolsonaro passed back in May 2019, practically annulling Brazil's hard-won statute of disarmament³. Bolsonaro's decree relaxed the rules for the possession and carrying of firearms by allowing a wider range of actors – journalists, truck drivers and other professional categories – to carry guns and semi-automatic rifles (Mendonça 2019). For Bolsonaro's government and his supporters, "individual gun ownership represents an opportunity to reassert patriarchal domination in a social context where constant violence generates affective insecurities" (Funari 2021: 10). Bolsonaro's decrees have allowed citizens to buy weapons previously limited to military and law-enforcement use, revoked a law that required authorization from the army to purchase weapons for individual use and revoked regulatory frameworks that established a monitoring system for weapons that were stolen from military barracks (Cruz, 2020). His government also issued a decree that eliminates all import tax for guns (Funari 2021).

Part and parcel of an authoritarian far-right or new right are enduring links between elites, government and organised crime, which operate to ensure the maintenance of the status quo. Examples of such links are the state crimes or state-organised crime connections unravelling in the case of the murder of leftist activist Marielle Franco. Investigations into the organised killing of Marielle Franco by members of Rio's militia in 2018 have revealed a number of links between suspect ex-cops involved in militias such as *Escritorio do crime* and the Bolsonaro family. Private militias have a long history in Latin America, one that is entangled with the violence of colonialism. Private militias formed by a number of social actors, including current and ex-cops, have been linked to the strengthening of a military order in the police during the cold war, with the support of US governments (Huggins 1998; Cavalcanti and Garmany 2020). Such developments rest upon the legacy of colonialism, contemporary imperialism and attempts to maintain social divisions by targeting those who challenge the status quo or pose threats to existing social relations. This is precisely what Marielle Franco represented – a threat to the status quo. The investigation of her murder revealed

³ Cavalcanti (2017a) for a discussion of gun control in Brazil.

that surveillance cameras were switched off prior to her assassination. The key suspect's mother and spouse were employed in the state assembly office of Flavio Bolsonaro, president Jair Bolsonaro's son, whose accounts are being investigated for suspicious large bank transactions. The links and boundaries between militias and far-right government are blurred by the fact that a key suspect – ex-cop Nobrega – attended an elite shooting school with and received an honorary prize from Flavio Bolsonaro after Marielle's death (Ramalho 2019).

Although the examples used here focus on the workings of the state and state actors (e.g. the police), any state-centric approach in Brazil risks failing to acknowledge, understand and conceptualise the plurality of violent, disorder and order producing actors that operate in Brazil (Arias and Goldstein 2010). At a conceptual level, Ferreira da Silva's work develops and unpacks the racialised logics of violence and power, where black and brown economically dispossessed urban regions become "affectable territories, political (ethical-juridical) regions with/out law" (Ferreira da Silva 2009: 228), where the state is itself a source of violence. Take as examples, the militias in Rio de Janeiro, often formed by ex-cops, which operate with free reign in dispossessed urban territories, and the PCC brotherhood, which started in São Paulo but have expanded to other states in Brazil and beyond national borders (Manso and Dias 2018). Both the militias and the PCC produce forms of social order, control and violence (Denyer-Willis 2015; Darke 2018), which cannot be neglected in any consideration of issues of justice, crime, criminals and order in Brazil. These examples reveal the existence of competing modes of governance and challenge the legitimacy and universal acceptance of institutions of crime control. They also illustrate that criminal justice institutions are inadequate responses to address social issues and have a central role in perpetuating unequal power relations (Cavalcanti 2020).

Also, importantly, these examples challenge Eurocentric notions of state monopoly of violence and provide challenges for the universalism of Northern Criminological theories developed in comparatively peaceful societies (Carrington *et al* 2019), where links between state actors and organised crime are not as apparent or predominant. The new authoritarian neoliberalism that is being played out in Brazil is rather complex and requires further research to expand understandings of the social and political transformations taking place, not least if we are to make sense of its manifestations in the persecution of those labelled bandits.

Criminalization of resistance and opposition: maintaining colonial capitalism

The criminalization and persecution social movements, protesters and activists have been long-standing features of Brazilian society (Mattos 2014). Well-known examples include the persecution of the Landless Rural Workers Movement (MST), the massacres of activists and rural workers (Comissão Pastoral da Terra 2018) in conflicts related to land reform and class struggle, issues that deeply rooted in Brazil's colonial past. For the most part, land continues to owned by and used for the profit of colonial elites. One of the aspects of this persecution that can be considered new are the techniques deployed to use and misuse the judiciary system to persecute activists and members of oppositional parties and left. Members of Brazil's Workers Party have been targeted, criminalized and persecuted without clear evidence (Saad-Filho and Morais 2018: 216; Anderson 2019; Souza 2019) since the first term of the PT in the presidency in the 2000s.

Recently leaked secret files have cast doubt on the prosecution of the 'bandits of the left'. Greenwald (2019) published a series of exposés showing how guilty verdicts were manufactured with the assistance of the judiciary. Moro, Bolsonaro's first minister of justice, the judge who imprisoned Lula in the run up to the 2018 presidential elections, is a key figure in the ongoing scandals. The previously secret files – including private chats, audio recordings, videos, photos, court proceedings, and other documentation – reveal the political motives behind the criminalization of members of the workers party as well as prosecutorial abuse of power. Prosecutors spoke openly about their desire to prevent the Worker's Party from winning the elections (Greenwald, Demori and Reed 2019). As they put it: "Moro secretly and unethically collaborated with the Car Wash prosecutors to help design the case against Lula despite serious internal doubts about the evidence supporting the accusations" (ibid). The morally dubious activities of Brazil's judiciary raise questions about the role of criminal justice institutions in shaping political outcomes. They also shed light on the polarisation⁴ of Brazilian politics when the current context is in stark contrast with the social programmes that has been implemented by the Worker's Party, such as instating distributive policies with potential to reduce social hierarchies and inequalities – including *bolsa família* (conditional cash transfers for the poorest families), university

⁴ For a wider discussion of the demise of the PT and the complex set of events that preceded Dilma Rousseff's impeachment and Lula's incarceration, see Saad-Filho and Morais (2018).

admissions quotas, the formalisation of the labour market, increases in the minimum wage, and subsequent increases in pensions and benefits (Saad-Filho and Morais 2018).

The techniques of control and prosecuting without evidence used by the judiciary, such as Moro's use of plea bargains (*delaciones premiadas*), initially portrayed as 'ground breaking' in Brazil, combined with 'preventive prison' and the relationship with the media, in which the judiciary leaked information to gain public support for its actions, were key in swaying the course of justice. These developments show that "the peacetime paradigm upon which Northern criminology is erected, with its assumptions concerning the normality of the liberal state and liberal penalty, is singularly inapt to account for the penal and political trajectories of countries that have spent long periods in the grip of authoritarianism and war, or its aftereffects" (Carrington et al 2019: 128). Colonialism, forms of authoritarian rule and military dictatorship have scarred Latin American politics and social relations. These social relations need to be understood and considered in combination with deep levels of inequality and violence that are inseparable from the history of colonialism and contemporary capitalism.

Conclusion

Any analysis of crime and penalty in Latin America must consider past histories of colonialism, dictatorship and authoritarianism (Carrington *et al.* 2019: 187). As Carrington et al (2019: 118) remind us "patterns of expropriation, exploitation, and segregation have left ensuring imprints on all colonial settler societies". Decolonial perspectives shed light on how far the activities of the criminal justice system are normalized and impact the lives of communities, engendering self-perpetuating cycles of criminalization. With this in mind, this article has explored the construction, misuses and implications of the term 'bandit' in Brazil with recent developments showing how both – new and enduring – techniques of criminalization and persecution are used to maintain hierarchies and limit who can be considered human.

Ultimately, what is at stake here is the capacity to imagine shared existence and social justice. Dehumanising discourses and ideas that imply the control of dissenting subjects seek to enforce social boundaries that limit collective and more egalitarian ways of living. In this context, violence and hostility become normalized so that pre-existing colonial, racist and sexist dynamics are intensified, producing a toxic atmosphere in which citizenship and all human rights are under-threat in struggles over

access to education, health, housing and the right to live. As such, new modes of governance work to disguise authoritarianism, rearticulating the meaning of nations, romanticising the past (e.g. the discourses that praise militarisation and torture during the military dictatorship), while putting forward illiberal agendas that curtail women's rights (e.g. anti-reproductive rights agendas), target LGBT+ communities, immigrants and take the task of 'othering' to a new level (e.g. persecuting and murdering increasing numbers of activists). Open discrimination becomes normalized, so do the criminalization and persecution of activists and political opponents. This authoritarian neoliberalism in Brazil is expected to have global impacts, its support for agribusiness and reduction of regulation (e.g. removing environmental protections, revoking firearm regulations) are generating global damage to the environment and climate, and creating human costs. By drawing on a decolonial approach, criminological understandings of the Brazilian case can be understood in relation to its fast-changing contemporary context, where the criminalization and persecution of activists, the poor and progressive left are intensified to enable the uninterrupted continuation of capitalist exploitation.

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