

Annual Activity Report 2009 – 2010

Instituto Nacional de Estudos Comparados em Administração Institucional de Conflitos - INCT – InEAC

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About

This project presupposes the organization of an Institute in the induced area Public Safety, part of the Program “Institutes of Science and Technology”, within the scope of Edict 15/08 proposed by CNPq. This initiative aims at consolidating and expanding a national and international net, already available, directed to formation and research, integrated by post-graduate programs and research centers of several institutions in different Brazilian states and other countries. This net has been working in the field of Public Safety and Criminal Justice through several academic activities since 2000.

The plans are to promote a Program of Research and Formation, in the areas of Human Sciences and Social Sciences regarding the institutional forms of conflicts administration in the different fields of the Public Safety and Criminal Justice systems. Thus, the major objective is to produce empirical researches, on quantitative and qualitative bases, which will support the proposal and evaluation of public policies at federal, state and municipal levels, in the area of Public Safety and Access to Justice, as well as to develop technologies for social intervention in those fields.

The focus of the project is on the analysis of the nature of the conflicts dealt with in the mentioned systems, in answer to the qualitative differences between categories such as conflicts, crime, physical violence, moral insults, among others. Thus, the main objective of the Institute is to produce an empirical theoretical knowledge dealing with

the logics of treatment and institutional conflicts administration by the public agents and the relation with their different natures. To conform to that purpose, the empirical researches and theoretical discussions to be produced in the field of the Institute will have as their axis the comparison between the forms of institutional administration of those conflicts considered as “minor”, a consequence of relations of proximity (neighborhood, kinship, affinity, friendship) and those crimes classified by the juridical field as “macrocriminality” or “organized crime”. Those two kinds of conflict involve not only differentiated mechanisms and management logics on the part of the Public Safety and Criminal Justice agencies, but also different standards in the treatment of the cases and the people involved.

It is also important to notice that the perspective of the suggested Institute is to give it a multidisciplinary character; for it calls for the participation of groups and researchers of such disciplines as Anthropology, Sociology, History, Criminology, Political Sciences and Law. Thus, diverse formation and specialty of involved researchers will enable us to match research techniques and instruments appropriate, but not exclusive to different disciplines. In researches to be developed, methodologies that will be applied will prioritize both qualitative and quantitative treatment of produced data. For that purpose, there is a search for the match of both types of information treatment based on the assumption that quantitative systematization and qualitative analysis complement each other and can supply deeper and more comprehensive interpretations. On the one hand, the qualitative research leads to the formulation of problems related to quantitative information, since those data only make sense and gain relevance when they are contrasted against the observation of interactions and social demands at local level and the analysis of speech and practices of agents in charge of elaboration and implementation of public policies which, directly or indirectly, interfere in the institutional administration of conflicts. On the other hand, the quantitative organization and systematization of data provide a wider and more contextual dimension of data produced by qualitative techniques present in the field observation work, mainly characteristic of Anthropology.

In the same manner, this proposal is also of comparative nature, for it encompasses researches and knowledge production in the States of Rio de Janeiro, Minas Gerais, Pernambuco, Rio Grande do Sul, Bahia, São Paulo and the Brazilian Federal District - Brasília. Besides that, the comparative perspective is based on the comparison with

studies from researchers from the United States, Portugal, Angola, Argentina and Canada.

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Objectives

Considering the questions placed here, the general objectives of this project are:

1. Consolidate a Research Program in the area of Public Safety that permits deeper knowledge of the functioning of the institutions of the Public Safety and Criminal Justice, in the federal, state and municipal level, starting from the comparison between the institutional management of “macrocriminality” and conflicts of proximity.

2. Promoting the formation of students interested in the area, through their getting into the projects of research; they would also participate in post-graduate programs, undergraduate courses and specialized instruction.

3. Generating mechanisms of transference of the knowledge produced before the public agencies through:

a. Achievement of Diagnosis and Plans of Public and Social Municipal Safety

b. Permanent interlocution maintained by the researchers of the groups involved in journeys and seminars with formulators of the public politics.

c. Execution of Training Courses on Social and Municipal Public Safety, given to classes of municipal guards from different municipalities of the State of Rio de Janeiro.

d. Accomplishment of the Specialization Course on Criminal Justice and Public Safety (NUFEP/UFF), for civilian policemen, military policemen and the public in general, and of the Course of Specialization in the Analysis of Criminality, Violence and Public Safety of the North of Minas (Unimontes), both linked to the National Net of High Studies in Public Safety of the National Secretary of Public Safety of the Ministry of Justice (RENAESP/SENASP/MJ), and similarly, through the participation of researchers of the Institute giving lessons in similar courses, in other states (Bahia, Espírito Santo, and Paraíba).

The specific objectives of the project are:

1. Achievement of empirical researches in the agencies of the systems of Public Safety and Criminal Justice, district police precincts, specialized police precincts, special courts both civil and criminal, special courts of Family and Domestic Violence Against Women, Centers of Citizenship integration, municipal guards, activities of the Federal Police, judicial processes related to what the juridical field calls “macrocriminality”.
2. Elaboration of qualitative and quantitative diagnosis on the dynamics of the conflicts and its management in specific localities.
3. Elaboration of diagnosis on the public policies linked to the so-called organized crime, through the elaboration of a data base on the operations of the Federal Police
4. Elaboration of a comparative analysis of the judicial system, which may contribute to the international discussion on the processes of classification and penalization of, conducts related to the “macrocriminality”.

5. Elaboration of a data base on the role of the Municipal Guardianship of Rio de Janeiro, to be compared with the interventions of other municipal guardianships and with data bases from both the Military and the Civil Police.
6. Design, elaboration and discussion of a comparative and contrastive map of the logics of institutional management of conflicts on the part of several agencies of the systems of Public Safety and Criminal Justice, emphasis on the proximity conflicts and on those classified as “macrocriminality”, which may contribute in the construction of more efficacious mechanisms of promotion of justice.

Targets:

1. Constitution of a data base both quantitative and qualitative, comparative among the state members of the Institute, on the nature of the conflicts involved in the systems of Public Safety and Criminal Justice and of their mechanisms of institutional management, considering their route in the systems.
2. Elaboration of Diagnosis and Plans of municipal public safety.
3. Organization of publications, with a view to divulging to the public the results of the researches of the Institute.
4. Organization of seminars in order to divulge and debate publicly with other research groups, public managers, students and the general public, the results of the researches of the Institute.
5. Formation of students (elaboration of final essay, master thesis and doctorate)
6. Elaboration of film and digital material for didactic and diffusion ends.
7. Elaboration and maintenance of a site in the internet, of the expositive character of the material produced to interact with their users.

Research Lines:

Subproject: Diagnoses and Plans of Municipal Social and Public Safety in Rio de Janeiro (NUFEP/UFF) –

Coordinator: Roberto Kant de Lima

Summary and Research Progress

In association with Rio de Janeiro State Municipalities, this subproject intends to work on preparation, monitoring and evaluation of “Diagnoses and Plans of Municipal Social and Public Safety” implementation and, based on a detailed survey of each city

problems experienced by the population, seeks to propose ways of improve public and social order and provide an atmosphere of civility in which it is possible to enrich the city's residents and visitors life quality.

The initial aim is to conduct precise diagnoses of the municipalities' safety demands, from the standpoints of the citizens and public authority empowered representatives, as well as of public safety specialists in the various spheres of public representation (federal, state and municipal). Based on the studies developed, the subsequent aim is to outline the major social conflicts existing, the institutional mechanisms assigned to their administration and the public policies involved – social, criminal and educational, among others. Thus, the objective of the diagnoses is to account the municipalities' public safety problems, giving priority to specific demands and to Municipal Guards performance, in light of the significant role in crime prevention and in daily service to residents that was assigned to these institutions through the SUSP (Sistema Único de Segurança Pública – Unified Public Safety System), which is developed by the federal government.

Up to the moment, academic articles have been written concerning the production of diagnoses performed in previous years in the municipalities of São Gonçalo, Mesquita and São Pedro da Aldeia, and also, significant advances have been made concerning the presentation of a project for a Plan of Regional Public Safety and of Diagnoses of Public Safety for the 12 municipalities of CONLESTE area (RJ). Also presented within the ambit of this subproject was the proposal of a Training Course for 150 municipal guards from the city of Cabo Frio (RJ).

Subproject: Police practices and conflict administration in District and Specialized Police Precincts of the State of Rio de Janeiro (NUFEP/UFF)

Coordinator: Roberto Kant de Lima

Summary and Research Progress

The subproject objective is to provide continuity to the performance of ethnographic research in district and specialized police precincts in the state of Rio de Janeiro in order to compare the procedures for filing police reports and conducting police investigations in both types of precincts. While district precincts deal with all types of crimes, specialized precincts handle a specific type of crime (homicide, car theft etc.). Based on this subproject, we suggest making a comparison of work methods

in district and specialized precincts; this will help to consider the various ways police officers handle cases precincts and police activities in general.

Subproject: Morality, law and politics: practices of institutional conflict administration in the field of *macro-criminality* (NUFEP/UFF) –

Coordinator: Glaucia Maria Pontes Mouzinho

Summary and Research Progress

This subproject purpose is to identify and analyze the classification criteria of ordinary financial transactions in transgressions linked to macro-criminality, as well as the criteria used by the criminal justice system to apply penal or administrative penalties that limit the accused rights and require the disclosure of privileged matter relating to confidential information of professional, financial, judicial or police nature. It is believed that public discussion of those criteria, which today is absent from the public domain, can contribute to the establishment of an ethical approach that may be universally accepted by entrepreneurs and state agencies of criminal control and repression.

Up to the present moment, the following activities have been carried out: a bibliographical survey concerning this subject; a study in Buenos Aires of exploratory research aimed at comparisons with the Brazilian procedure; lawyers and district attorneys who fight against corruption were interviewed; meetings with the “Equipo de Antropologia Política e Jurídica” (Political and Legal Anthropology Team) of the University of Buenos Aires (Argentina) Political and Judicial Anthropology Team of the University of Buenos Aires (Argentina); and meetings with the “Núcleo Fluminense de Estudos e Pesquisas” (Fluminense Nucleus of Studies and Researches) at UFF (Universidade Federal Fluminense).

Subproject: Special Precincts of Attention to Women and the Women’s Assistance Network in the state of Rio de Janeiro (NEEV/UENF)

Coordinator: Lana Lage

Summary and research progress

This subproject provides continuity to the research developed at the Institute of Public Safety (2005-2006) and at Universidade Estadual do Norte Fluminense – UENF [*North Fluminense State University*] (2006-2009) in which the following issues were approached: the Specialized Police Precincts implementation as a gender-related public

policy and the conflict administration practices observed at these units compared to those observed at District Police Precincts related to gender-based conflicts. We now seek to examine the relations between police precincts and the Women's Violence Victim Network Assistance, as well as the present role of the Women's Safety Commission of Rio de Janeiro State Women's Rights Council – which was responsible for implementing Rio de Janeiro's first DEAM (Specialized Police Precinct for Women), in 1986 – as an intermediary between the feminist movement and the police institutions.

Subproject: Farm Labourers in the Sugar-Alcohol System (RJ): Conflicts, illegalities and public safety (PPGA/UFF)

Coordinator: Delma Pessanha Neves

Summary and Research Progress

In order to understand the classification forms of *slave labor*, it becomes important to associate those concepts with the study of changes and/or restatements of records of *questions* - a term adopted by laborers and union members to describe the disrespect to labor legislation that rules the farm workers' labor compensation, including contextual agreements settled between employees' and employers' political representation institutions. That kind of research investment makes following the objectives of the change processes in the structure of the factory system possible, the bankruptcy of many of those plants, which started in 1980 and represented an impressive elimination of the industrial and agricultural concentration progression that caused the disappearance of 11 of the 14 modernized plants in the 1970s. We can, thus, understand the effect of imposing the restructuring of the productive system led by external requirements, that is, understand how to adapt to the demands of the international sugar market and to the demands of alcohol production that created idiosyncratic rationalities in both production and work relations.

Understanding the conditions in which the definitions and descriptions of these records were elaborated, can be an important stepping stone to the study of both ways in which such changes came to be, especially concerning work relations and workers, and the alternatives created by them to compare and add this activity to so many others. Additionally, it allows locating the laborers that have devised means to fight back and dedicate themselves to questioning forms of illegality in labor relations. After all, considering the entire series of research questions, one can then understand the

representations and practices that sustain the series of mechanisms of economic and political domination in the present plant system. Additionally, such analysis permits monitoring those complaints presented in lawsuits, which were then forwarded for regulation to the Trial Courts of Conciliation and Judgment or other governmental agencies associated with such legal procedures. Those mechanisms form a compilation of knowledge collectively assembled by the workers to contradict their employers and to establish mechanisms of social justice and, consequently, of public safety.

Having contextualized the politico-institutional conditions that ensure the legitimacy and legality of the interpretation of disobedience in labor relations, such as expressed by extravagant, inappropriate *slave labor*, the research team seeks to monitor the occurrence of forms of work connections that came to be and that received greater exposure as *forms that are analogous to slave labor*. This denomination is highly revealing the degrading connection, but it assigns to a secondary level the corresponding mandatory increase in work productivity, a standard elaborated and imposed by executives. This designation can also take place at a secondary level the local connections that ensure the recruitment of laborers from other regions. These workers, placed within a regime of relative isolation, become more subject to mechanisms of intimidation and dependency, and as a consequence, they are led to count more on each other in those moments when they are collectively threatened by unacceptable impositions.

Changes in relations conditions and worker subordination have been so greatly altered that workers who instantly refuse to denounce illegal recruitment conditions distance themselves from the union leaders' forms of action. They come to rely upon another social assistance institution, even though it is limited or alternative by its own nature: the CPT (Land Pastoral Commission). Denunciations and terrible situations of disrespect to basic human rights are registered in this institution, especially those concerning food, housing and social dignity related to the right to come and go.

This subproject research is being put into practice through fieldwork and information collection from institutional sources, activities that are guided by the following objectives:

- Expand the database and information concerning issues that are part of the Program of Research and Education in Public Safety, Criminal Justice and institutional conflict-administration suits – proximity and macro-criminality in comparative perspective.

- Human resources qualification in order to contribute to the establishment of public programs and services aimed at developing a system for regulating interpersonal and institutional relations in Brazilian society, with predominance of the formal legal aspects of social organization; and building up institutions adequate to the problems that occur in the present context of economic, social and political education.
- Monitor the conditions of registration and social qualification of the observance of those legal statutes that were established as of the 1980s, a change that implied the involvement of the Public Ministry in the defense of “diffuse rights” and “collective rights.”

Various phases of fieldwork have been put into practice; at the moment they are much more characterized as training for the graduate and postgraduate students involved, searching opportunities to open institutional sources for data-collection, and contacting workers who live in determined centers that accommodate that kind of labor.

Subproject: The Community Justice and the Brazilian experience: Active Citizenship Integration Centers in São Paulo (UFSCar)

Coordinator: Jacqueline Sinhoretto

Summary and Research Progress

The Active Citizenship Integration Centers were founded upon partnerships between various state institutions that deal with public safety and conflict administration. Their objective is to improve the justice system access in violent and precarious living conditions urban areas. The state and municipal programs implemented exhibit important variations in the design of their policies and in the offered services.

The already accumulated knowledge concerning the creation and implementation of those centers allows comparing this reform of justice services Brazilian movement with the movement identified by the French literature as “justice with proximity.” The diagnoses, discourses and practices of Community Justice – based on three basic strategies to support the access to the justice-system services closer to their target public, such as the physical proximity of the services to the most underprivileged urban areas; temporal proximity, or speediness in the handling of grievances; symbolic proximity, or changes in the use of legal jargon, simplification of conflict-administration rites and rituals, and flexibility of conduct and procedures in the

sense of removing the barriers to access – also seem to be shared in the recent Brazilian experience of institutional reforms in the state conflict-administration sphere.

The objective of this study is to establish comparisons between Brazilian and French literature regarding the Active Citizenship Integration Centers and European experiences in justice with proximity, respectively verifying the affinity of a global discussion – concerning the need for new access services to the justice system in the light of new social realities – a local discussion over justice system reform. Based on this comparison, it should be possible to point out the specificities of the Brazilian case and the specific effects of applying innovative conflict-administration principles and techniques to local realities.

Our plan includes a bibliographic survey of the subject of “justice with proximity” in France and the Brazilian reform experiences that we seek to compare, such as the Active Citizenship Integration Centers and the special arbitration courts. This specific survey is practically finished; because a part of the bibliography has been already read and treated.

A translation has been made of an Anne Wyvekens article about justice with proximity and will be published in the next edition of *Civitas* – Social Science Magazine. It brings a summary of the main results of the French author’s study about the subject, allowing an advantageous comparative dialogue. We also have worked in the co-organization of the same edition of the magazine gathering articles on legislative and institutional reform, a task that permitted a complete revision of Brazilian situation studies and measurement about the innovations and their results.

During the bibliographic survey we could participate in the classification and defense of a doctoral thesis (Marcella de Oliveira Beraldo, 2010) which made use of “justice through dialog” concept to describe and contemplate innovation experiences in institutional administration of conflicts that incorporate knowledge concerning alternative conflict mediation. This nomenclature work as well as the comparison of produced data with the one being created within the scope of this project that it was understood that “justice through dialog” refers to a new and sensitive way of handling family conflicts

Based on this, we realized an update of Brazilian experiences data collected. We are now preparing to start the fieldwork to observe the following three types of experiences:

- an alternative conflict mediation program of the Active Citizenship Integration Center;
- a pre-trial judicial mediation program of São Paulo Court of Justice in state counties;
- a restorative justice program of Juvenile and Youth Courts in São Paulo municipalities.

Such fieldwork is aimed at conducting interviews with São Paulo justice system administrators and operators, in order to become acquainted with its representations concerning the objectives and the results achieved by these programs, especially in what concerns conflict- administration procedures, such as preliminary services, arbitration sessions and restorative circles

Based on this field collection, we seek to obtain the required data to consider properly the hypothesis of the emergence of a new form of “proximate” judicial sensitivity in the handling of everyday conflicts, establishing comparisons with the studies developed in the French context.

Along the activities of the bibliographic survey and the preparation of data collection, we began to analyze the position occupied by those “new forms of justice” in the institutional conflict administration field in Brazil. As a way of preparing a paper and articles on the subject we sought to work conceptually on the field concept of institutional conflict administration. Such conceptual elaboration aims to discuss the theoretical construction and empirical diagnoses that unite the INCT/InEAC researchers around a theory for the administration of conflicts in Brazilian society and also restating the theoretical traditions that have influenced us.

Subproject: Organized crime and its origins (NIC/UFPE)

Coordinator: Jorge Zaverucha

Summary and Research Progress

Two great research objectives were achieved: a) to construct a concept of organized crime. A bibliographic review of various works demonstrate that the characteristics of organized crime was carried out. A bibliographical review of national and international literature concerning organized crime was developed. We pointed out the contributions of each work to the construction of a definition of organized crime; among the contributions is the observation that criminal organizations can seek out the state to survive using especially Institutionalism of the Rational Choice and Historical

Institutionalism where organized crime is defined; and b) to show the origins of organized crime insofar as the works analyzed indicate which environments give birth to organized crime. We have begun data collection; through analysis of the operations of the Brazilian Federal Police we will verify the dynamics of organized crime in Brazil and its origins.

Subproject: The Judiciary and judicial services: citizenship guarantees, judicial equality and social differentiation in a comparative perspective (PPGD/UGF)

Coordinator: Professor Maria Stella de Amorim

Summary and Research Progress

This subproject purpose is to research judicial services offered by Brazilian courts, highlighting access to constitution guaranteed rights and procedural laws, in hierarchically arranged branches of Brazilian judiciary. The study highlights the disagreement over legal interpretations existence and unequal distribution of justice in mutual resemblance conflicts, and the generalized contradictory logic presence in the judicial field, which is manifested in court services and in the lack of consensus as to “what the law says,” with significant consequences on the separation between the courts and the parties under the jurisdiction of the courts. Such obstacles end up by weakening judicial activities in such a way that, far from finding a solution, many conflicts are handed back to the parties, prevailing inside society in a latent or patent manner.

During the subproject development along the first year, fieldwork was evolved in order to collect data at the TJRJ State Courts (Superior Court of Rio de Janeiro), at the 2nd district of Federal Justice Small Claims Courts, at the Small Claims Courts of Domestic Violence and Violence against Women, and at the 1st district TJRJ Civil and Criminal Small Claims Courts and of the Federal Superior Court, all headquartered in Rio de Janeiro city. The fieldwork sought to characterize the nature of the conflicts brought to the Courts, the court services offered and the lack of arbitration in the aforementioned Courts, whether or not this instrument was prescribed or non-stated in the laws that regulate judicial services in the aforementioned Courts (including the one regulated by the violence against women named “*Maria da Penha*” Statute).

In the ordinary trial courts the research carried on several principles that were most recurrent in court procedures, such as the principle of the judge trying the cases taking only her/his own personal convictions into consideration, the right of oral expression assured to the parties under the jurisdiction of the court, the presumption of innocence,

the criteria for building a case in the lawsuit and the significance of the evidence presented by the parties to the judicial decision. This phase required more time than expected and fieldwork was postponed in the Appellate Divisions of the Courts, as well as at the Appeals Branch of the Federal Regional Court of Rio de Janeiro. The impossibility of conducting fieldwork at the federal appellate court resulted from changes in the original research team, with several team members finishing their doctor course, thus losing their institutional ties as well as others that gave up their studies. Nonetheless, not only was part of the original team maintained, but also part of it was replaced through the admission of three new doctoral students to the research team, four new master students and two undergraduate students (PIBIC/CNPq/UGF scholarship grant holders). After receiving adequate training in mastering the use of the fieldwork method, the recently admitted members began data collection using the proposed qualitative methodology, which is relatively uncommon in the legal education they had got up to that time.

The material preliminary analysis permits to suggest several provisional results concerning the predominant presence of specific conflicts in the Courts. The state Civil Courts frequently receive consumer relations conflicts, and the adjudication service applies the Consumer Defense Code, in which the presence of the “hypo-sufficiency” consumer category stands out, divided in legal sentences into subcategories such as “economic hypo-sufficiency,” “technical hypo-sufficiency” and “cultural hypo-sufficiency.” The point is such subcategories are not always clearly applied to consumers injured in a consumer relationship. Although, they are accepted by court clerks and operators as state protection of the consumer, due to shifting the burden of proof to the defendant, they leave doubts as to the fact that many parties under the jurisdiction of the court fit into them, whether because they possess higher education or because they acquired expensive products and services, such as sophisticated refrigerator models, HD TV sets, split air conditioners, credit with abusively high interest rates, cars, personal computers, and wideband and high-speed technology, among other goods and services that do not call for application of the “economic hypo-sufficiency,” or even “cultural hypo-sufficiency,” subcategory.

Meanwhile, the Small Claims Criminal Courts (JECrim) proved to be full of crimes such as illegal arms possession, threats made to victims and possession or use of illicit drugs. In those cases, the threatened party is represented by the State and the police officer that made the arrest simultaneously acts as a witness. During the hearing,

the police officer does not always remember the illicit act committed by crime perpetrator, in which case the suit is dismissed. Other times, the police officer remembers in great detail the crime in which the illicit practice was committed and the result is a plea bargain, transacted through money payment equivalent to “consumer baskets” (each consumer basket, or market basket, is equivalent to the basic monthly domestic needs of a Brazilian family, which includes the most commonly bought food and household items), a procedure preferred by the court officers and employees acting in those cases. However, this penal settlement is not made in the presence of the prosecutor, known in Brazil as “Ministério Público”, who was always absent from the situations observed, despite the fact that his legal presence is mandatory. In case of admitting the defendant’s financial inadequacy, the inductee receives the opportunity to perform community service. However, if the case involves the illegal possession or use of drugs, the accused is sent to the VEP (Court of Penal Execution) and submitted to psychological treatment aimed at his rehabilitation. Since the treatment is offered at the state capital government building, many people find it difficult to get downtown to take the treatment regularly. Furthermore, after some time, the statute of limitations on the treatment can run and the perpetrator of the crime may be exempted from continuing his rehabilitation independently of any evaluations concerning the results achieved from the “therapy” received. Probably due to various interventions in promoting the rehabilitation of the criminal, a certain preference for the payment of consumer baskets was observed on the part of court officers in cases of this type of delinquency since this procedure permits them to terminate the lawsuit. Conflicts between neighbors, or even between strangers, are also considered in the JECrim and are resolved preferentially through the payment of consumer baskets by the party responsible for the crime.

In state or federal, civil or criminal courts alike, the parties’ right of speech is significantly repressed, mainly in the presence of the magistrate. The parties merely answer the questions posed by the judge, and the arbitrator compulsorily seeks a settlement between them. If such a settlement is not reached the suit is forwarded to the magistrate’s lonely examination and decision.

A remark should be made as to court services in Federal Criminal Courts, which actually receive few complaints if compared with Social Security Courts or Civil Courts. The predominant conflicts in the Federal Criminal Courts relate to crimes of abuse of authority, disrespect to authority or environmental crimes. In those cases, conciliation occurs surprisingly often. Abuses of authority can be committed by federal

public servants, by federal police agents or by private guards hired by public agencies that offer services to the public. In those cases, some time after the conflicting situation, it is quite common for the parties to reach an agreement at arbitration hearings in the presence of the magistrate in Federal Courts. Conflicts investigated in airports, environmental crimes or among safety guards of “Caixa Econômica Federal” (CEF – Brazilian Savings and Loan Federal Bank) lead to conciliation and in many cases donations are made to the government agencies by the crime author or services are rendered by him/her to those agencies as a form of plea bargain.

In the Federal Civil Courts, especially in the Social Security Courts (courts that have jurisdiction over social security matters), judicial relief is highly bureaucratized and generally does not accommodate conciliation due to impossibility resulting from the fact that the representatives of the INSS (Brazilian Social Security Institute) or of the CEF (Brazilian Savings and Loan Federal Bank) seldom agree to conduct arbitration with individuals. Given the significant number of those courts in the federal justice system, a quantitative survey is made to test the validity of the information obtained in the aforementioned courts. Qualitative methods are then used.

The implementation of principles that involve petitioner’s right of speech and magistrate’s impartiality is investigated in Civil Courts and in Appeals Division of TJRJ (Superior Court of Rio de Janeiro), which indicate that the parties’ right of speech is significantly limited or almost always suppressed, the justification being that it slows down the procedural progress. As to the magistrate’s impartiality, the data obtained so far only suggests that the legislation largely encourages those court officer’s participation in the litigation that is not intended to protect or guarantee the individual accused in the legal procedure, a process that assigns the supervision of such litigation to the judging state, and not to the parties, who find themselves subjected to or protected by the procedural codes, whose scope equally covers the entire jurisdiction of the Brazilian nation.

The research related to the magistrate’s liberty to judge principle their own merits by applying his/her own personal beliefs is tied to the representations magistrates make themselves concerning ways to adapt and apply equitable relief. In that light, the preliminary data suggests complete liberty in the rationale made to the sentences proffered, rejecting the doctrine and occasionally straddling the definitions of the laws that regulate the crime committed.

As well, in criminal area, investigations concerning the presumption of innocence and the establishment of procedural fact principles suggest there is little presumption of innocence prevalence, lack of explicit rules concerning the validity of evidence, and clear differences between hearsay, clues and/or circumstantial and hard evidence, which can be observed in the fragile protection of the party accused in criminal prosecutions.

Subproject: Judicial Isonomy, Inequality of Treatment and Active Citizenship in Brazil (PPGAS/UnB)

Coordinator: Luís Roberto Cardoso de Oliveira

Summary and Research Progress

The subproject named “Judicial Isonomy, Inequality of Treatment and Active Citizenship in Brazil,” has been developed in various directions. In addition to my own work reflecting upon the subject related to the conflicts administrated in Special Small Claims Courts and in claims of rights in Brazil, Canada, the United States and France, Professor Lia Zanotta Machado has explored those questions in male female relations; and Professor Carla Costa Teixeira has focused upon the ethnic dimension, from a comparative perspective, contrasting public policies aimed at the indigenous people who live in Brazil and Canada. In the same direction, the students under my supervision have discussed those questions in relation to the following: redress of grievances analyzed within the context of the amnesty commission; the indigenous guards among the Pataxó Indians; “child labor” in the activities of the coconut processing plants; ethnic rights in the Bolivian Constitution; land disputes in northern Minas Gerais and human trafficking.

In relation to the subproject “Police practices and judicial practices dealing with domestic violence against women,” studies have been developed with the participation of undergraduate research students. Ethnographic and documentary studies are being carried on (together with the Special Police Precinct for Women’s Services; an ordinary regional precinct; two Special Courts of Domestic Violence against Women; and the Public Ministry of the Federal District), all seeking to monitor the implementation of the Domestic and Family Violence against Women (Statute no. 11,340, named “Lei Maria da Penha” and promulgated in August 7th , 2006). Welliton Caixeta Maciel’s undergraduate research report was awarded first prize at the Fifteenth Undergraduate Research Conference of the University of Brasília and the Sixth Undergraduate Research Conference of the Federal District of Brasília in 2009.

Subproject: Development and Monitoring of Social Safety and Public Safety Indicators based on services rendered by São Gonçalo Municipal Guard (NUFEP/UFF)

Coordinator: Ana Paula Mendes de Miranda

Summary and Research Progress

This subproject seeks to carry on a research initiated in 2006 (which is related to the development and monitoring of a record system in Municipal Guard departments in Rio de Janeiro State and its institutional implementation), whose objective was to analyze how a standard for services rendered by municipal public safety agencies classification was established.

We expect to understand how the classification process of calls responded by the Municipal Guard departments of São Gonçalo and Rio Bonito agents is arranged and, after that, we may systematize the information in a database (thus making it possible to compare it with other data available in the safety field) and eventually develop a panel of monitoring public policies indicators related to social questions and safety issues that unite both institutional and community information sources.

The first contacts were made with the authorities responsible in both municipalities for the authorization of two research meetings with the Municipal Guard (MG) departments. Interviews have already been made with the commander of the Rio Bonito MG, the Rio Bonito Secretary of Urbanism and the commander of São Gonçalo MG. Two research meetings have also been held with the MG departments of Rio Bonito and São Gonçalo.

Bi-monthly meetings with the research group have been held regularly since February 2010, as well as NUFEP's weekly meetings.

Subproject: Belief in equality and the production of inequality in institutional conflict-administration processes in the Fluminense public sphere: religion, law and society, from a comparative perspective (NUFEP/UFF)

Coordinator: Ana Paula Mendes de Miranda

Summary and Research Progress

This subproject seeks to study forms of institutional conflict administration observable in public areas in Rio de Janeiro in the pursuit of possible forms of expressing identity differences (ethnic, religious, social, economic etc.), as well as

claims of citizenship rights up to the institutions that represent government and market economy. We propose to investigate how to classify conflicts involving different social demands for recognition and normative provisions in distinct contexts: in the school environment, particularly those that involve religious teaching; in the police and criminal justice environment, focusing on the response to denunciations and complaints of ethnic, racial, religious or sex discrimination; and on the Special Civil Court environment, concentrating on disputes between citizens and business and state institutions in suits involving the so-called consumer rights.

As to religious discrimination, this subproject has been monitoring the activities of the Commission for the Fight against Religious Intolerance (CCIR), such as the events and weekly meetings promoted by the CCIR.

CCIR litigation related to religious intolerance monitored by the Human Rights Organization Legal Project was analyzed. Based on this analysis of the proceedings, a Religious Intolerance Dossier was produced in Rio de Janeiro, as well as a report on the results of the activities of the Commission's two years of existence.

In the police and criminal justice field visits were made to police precincts and to the Center for the Fight against Religious Intolerance of the "Polícia Civil do Estado do Rio de Janeiro (PCERJ – Rio de Janeiro State Civil Police), under the responsibility of a police precinct chief who monitors the Commission and hearings performed at the 2nd Regional Criminal Court of Campo Grande, at the 2nd Regional Civil Court of Santa Cruz and at the Special Adjunct Criminal Court in Japeri County. Their respective court officers were interviewed.

Regular bi-monthly meetings have been held with the research group ever since June 2009, as well as NUFEP's weekly meetings.

Subproject: From the right of difference to different rights: the group movements of traditional population and their demands for rights and recognition in the state of Rio de Janeiro (UFF – Campos dos Goytacazes)

Coordinator: Fabio Reis Mota

Summary and Research Progress

With the emergence of new paradigms in the legal political and cultural spheres in the 1990s, the recognition of special rights has made it possible to reconfigure group movements in Brazilian public sphere. The introduction of Article 68 into the "*Ato das Disposições Transitórias*" (ADCT - Act of Transitory Dispositions) of the Federal

Constitution of 1988 that establishes the territorial rights of the so-called remaining *quilombo* communities (communities constituted of fugitive black slaves), the approval of Law 9985 (July 18th, 2000) of the National System of Conservation of Units (SNUC), which defines public policies for the protection of traditional communities, such as the Extractive Reserves, the promulgation of Decree 6040 (February 7th, 2007), which established mechanisms to guarantee the cultural and territorial rights of traditional populations, and other contemporary legal devices created conditions that allowed the introduction of a series of instruments, motivation terms, compulsory justifications and some problems in the public sphere. This new scenario made movements possible for groups who seek to expose their claims of rights and recognition, thus allowing some problems to become public, legitimate, visible and pertinent to the eyes of the different audiences. Thus the visibility or invisibility of group actions reveals the existence of certain grammatical rules and moralities that guide the actions and justifications used by the players and permit or impede the recognition of their arguments and demands in public domains as legitimate.

The subproject intention is to understand in which extension these legal, cultural and political changes have influenced the public and political actions of social movements in the state of Rio de Janeiro, especially in the Fluminense Northern and metropolitan regions. We want to analyze how those agents, in controversial and conflicting situations, mobilize diacritical symbols – such as “traditionalism,” “quilombice” (quilombo-related culture and situations) etc. – and evoke their past memories in order to give positive exposure to their claims of rights or recognition. The objective of the subproject is to conduct ethnographic surveys in “*quilombola*” communities and “traditional communities” in the Northern and metropolitan regions of Rio de Janeiro.

The subproject has been developed at UFF’s Department of Science Fundamentals in Society, involving a line of research of the InEAC/UFF. The project was also approved through FAPERJ public announcement APQ1/2009. Until this moment, we have carried out bibliographical studies concerning Human Sciences literature related to the theme and bibliographical survey of “*quilombola*” communities and artisan fishermen in the North Fluminense region. We have also developed fieldwork in *quilombola* communities of Imbé, located in Campos dos Goytacazes.

Subproject: Judicial relief, justice and domestic violence: perspectives for reflection and action (PPGAS/UnB)

Coordinator: Daniel Schroeter Simião

Summary and Research Progress

The promulgation of “*Maria da Penha Statute*” (Brazilian Statute n. 11340/2006) transformed the way in which the criminal justice system had been treating domestic and intra-familial violence against women in Brazil. It eliminated the Special Small Claims Criminal Courts’ jurisdiction to handle that type of crime and reinforced the penalization of aggressors, the new law confirmed the received criticisms by a restorative model of justice – based on mediation and conciliation –, which increased the tensions between viewpoints in favor or against that paradigm in the court system and offered new possibilities of studies and ethnographies related to the subject and its impacts on the human rights field. This subproject will be developed at a laboratory in Belo Horizonte and seeks for contribute to develop improvement of the judicial treatment given to cases of domestic violence tools, and explore the potentials and limits of the current scenario, realizing fieldwork by means of practices and the users perception in relation to the recently instituted *Maria da Penha* Court (14th Criminal Court of Belo Horizonte) ethnography, in Minas Gerais capital. The study dialogs directly with two other studies already in progress – one of which is about the information system used in the handling of violence cases in the metropolitan region of Belo Horizonte; and the other, about extra-judicial forms of resolving conflicts in this city , coordinated by the same researcher responsible. It also interacts with similar studies proposed by other laboratories that are part of this Institute. In that way, tools are being sought for strengthening an effective approach to the reduction of that kind of crime.

From April to December 2009, instead of beginning a new phase of empirical research concerning the *Maria da Penha* Statute in Belo Horizonte, the research team concentrated on concluding two studies then underway, whose data provide good material for comparison. The aforementioned studies and their results are described as follows:

“Alternative forms of resolving disputes in Belo Horizonte: charting a field, its dilemmas and its values.” Núcleos de Mediação e Cidadania (NMC - Centers of Mediation and Active Citizenship) of the Federal University of Minas Gerais Ethnography, realized in two Belo Horizonte neighborhoods. The results indicate that

non-court-related atmospheres for resolving conflicts in close relationships, by way of mediation, allow better symbolic elucidation of the conflict and tend to offer more conditions for the moral recognition of the parties and their grievances. The ethnography, however, has shown that only a small part of the conflicts that occur within the communities studied, reaches those environments; the residents prefer to get to various other sources of authority in a relatively institutional manner.

“Constructing and Solidifying Information Concerning Violence against Women in the Domestic and Couples Environment within the Metropolitan Consortium of the Metropolitan Region of Belo Horizonte.” The study performed a diagnosis of the current situation of the information and data concerning violence perpetrated against women in the municipalities of Minas Gerais Women’s Consortium (Belo Horizonte, Betim, Contagem and Sabará), analyzing the type of information gathered at reference centers, health stations, police precincts that offer services to women and defense centers associated with the District Attorney and Public Defense’s Offices. The study evidenced a great disparity in the processes of data collection and developed a protocol proposal with suggestions for the discussion of the Unification of Protocols of Information Concerning Violence against Women within the scope of the Women of Minas Gerais Consortium, and also recommended methods for the collection, storage and treatment of information concerning domestic and conjugal violence.

Subproject: Social control and conflict administration local practices in indigenous territories: the construction of a conflict administration system in the village of Barra Velha, Bahia (NUPIJ/UFF)

Coordinator: Ronaldo Lobão

Summary and Research Progress

This subproject purpose is to monitor the establishment of a conflict administration system in the Pataxó village of *Barra Velha do Monte Pascoal*, located at the extreme south of Bahia. The focus of the present study is an analysis of administrating conflicts local practices and strategies noticing the various strategies that are being adopted by the native community concerning its preoccupations in relation to safety and to the establishment of general standards of coexistence. In this context, there is a movement toward both the formation of an indigenous guard unit (although temporarily postponed) and the regularization of the native association, the establishment of a series of internal norms concerning the conduct and local leaders

roles and the construction of guard stations to control people in and out of the village. These proposals are presently undergoing an internal community discussion aimed at their implementation.

The formulation of the questions is tied to the central role that judicial anthropology has given to the aforementioned notions of authority, conflict administration practices, power relations, penal systems, the meaning of justice and safety and police practices.

The first field trip – carried out throughout May 2010 – revealed that, in terms of political organization, *Barra Velha Pataxós* display a complex system of governance. It is based on the figure of *cacique* (tribal chief) as the village's model of authority supported by 12 representatives and other leaders recognized for their performance in specific areas. Those areas involve various fields such as culture, natural environment, arts and crafts, safety, tourism, agriculture, fishing, education, health, old age, women and young people.

However, the authority functions of mediating and resolving conflicts are mainly concentrated on the figure of *cacique*. He relies on the support of local leaders and representatives who are recognized by all.

The movement to pursue a local model of group action can be identified in the pursuit of local association consolidation, which was established several years ago. As in various other places, the local associative movement encounters difficulties to establish itself; there are internal conflicts and problems and, in the case of *Barra Velha* association, the entity's activities were temporarily interrupted. After that pause, it is now undergoing a regularization process in order to resume its activities of administration and execution of projects in partnership with government agencies and NGOs for the benefit of the village.

Concurrent to the association reorganization, another movement has taken form for the establishment of “internal regulation,” which is based on other examples of regulatory systems and on several categories that exist in Brazilian penal code. The regulatory system fits into the logic of conflict administration insofar as it is coupled to a model of dispute resolution based on the involvement of local authority figures and their mediation with the institutional models, but it also appears as a “local initiative” to validate “their own” strategies of social control.

The study started in March, 2010. The field researcher has led two phases of fieldwork at the Pataxó Indian village of Barra Velha. The first phase occurred between

March 17th and 24th and the second between May 11th and June 8th. The study still lacks completion. The researcher is preparing the work for presentation at the 27th RBA.

Subproject: Judicial moralities and sensitivities in social processes of conflict mediation in the Superior Court of the state of Rio de Janeiro (NUSIS/ESS/UFRJ)

Coordination: Kátia Sento Sé Mello

Summary and Research Progress

The main purpose of this subproject is to analyze and understand the various approaches to justice, active citizenship and rights by describing the practices and discourses related to the administration of interpersonal conflicts within the scope of the Superior Court of the state of Rio de Janeiro (TJ/RJ), especially those that involve couples litigious separations and child custody. In order to accomplish it, an ethnographical survey will be developed by TJ/RJ professionals who have worked as specialists in the court system (social workers and psychologists), with the people who are sent to the Family Courts, and with the justice-system officers who are involved in the social processes of administrating those conflicts. The subproject also seeks to analyze the meaning of justice, active citizenship, moral insult, rights that arise from the social processes which constitute a field of social interactions and the role of the social workers and psychologists involved in those processes. Since early 2009, there has been an effort on the part of segments of the TJ/RJ towards the implementation of conflict mediation as an alternative technique to the judicial tradition of resolving conflicts of an interpersonal nature.

This subproject seeks to analyze and understand various approaches to conflict mediation within the scope of the Superior Court of the state of Rio de Janeiro and considers the following empirical fields: 1) the 9th Family Court of Capital District where the Mediation Center of Rio de Janeiro State Main Courthouse was inaugurated on October 12th, 2009, a pilot project from which we intend to build models for the conflict regulation arbitration to entire state; 2) the 9th Special Criminal Court of Barra da Tijuca Courthouse, where conflict mediation has been implemented. The first course on conflict mediation was taught at the TJ/RJ in early 2009; 3) the 2nd Family Court of Regional Petrópolis Courthouse, where the Conflict Mediation Center was recently inaugurated and arbitration in Rio de Janeiro State has been practiced since 2007, and has become one of the pioneer sites of this experience; 4) the Special Small Claims

Criminal Court of the Jacarepaguá Courthouse where arbitration has also been practiced.

We intend to analyze the meanings of justice, active citizenship, *moral insult*, rights that arise from the social processes which make up this field of social interactions and the impact of introducing the conflict-mediation course into the chosen judicial environments. Similarly, we intend to analyze the role of social workers and psychologists – judicial specialists – in the construction of judicial sentences specifically related to family conflicts.

Fieldwork research underway:

- 1) 9th Family Court of Superior Court Central Courthouse of Rio de Janeiro State – the coordinator was assigned to conduct conflict-arbitration sessions of cases forwarded by the 9th Circuit Court judge.
- 2) 2nd Family Court of Petrópolis Courthouse – the coordinator and other subproject team members have participated in the hearings related to lawsuits involving couple separations and, in an alternate manner, in the arbitration sessions. The cases are forwarded to them by the judges themselves.
- 3) Interviews with social workers and psychologists from the TJ/RJ who are assigned to various courts: Niterói, Jacarépaguá, Méier and Rio Bonito – carried on in 2009 by the coordinator of the subproject.

Subproject: Social Conflict, Domestic Violence and New Institutional Mechanisms for Conflict Administration – Courts of Domestic and Familial Violence against Women (GPSC/PUCRS)

Coordinator: Rodrigo Ghiringuelli de Azevedo

Summary and Research Progress

This subproject main objective is to analyze the judicial treatment given to the male-female conflicts forwarded to the Courts of Domestic and Familial Violence against Women created by “*Maria da Penha Statute*” (Law 11,340/06) in order to evaluate their adaptation to administering this kind of social conflict. Since the creation of the Special Small Claims Criminal Courts, Law 9,099/95, the difficulties in implementing a new model for dealing with gender conflicts has led various sectors in the legal field and in the women’s movement to adopt a stance of confrontation and criticism of the Special Criminal Courts. According to those critics, such courts allegedly underestimate this kind of violence and render it a banal practice. Criticism

has always been centered on the practices of several district attorneys and judges who, instead of plea bargaining, began proposing and applying an alternative measure corresponding to the payment of one consumer basket, before mentioned, by the crime perpetrator instead of investing in arbitration and in the application of a more appropriate measure for resolving the problem without resorting to punishment. Processing of the cases of violence against women by the Special Small Claims Criminal Courts (JECrim) has generated contradictory opinions not only within the feminist movement, but also among researchers. Some of them have viewed the JECrim as a benefit to the women's movement, for they provided exposure to the problem of violence against women, something that did not usually fall within the judicial realm in the past. Others believed that the Courts expanded the state punitive network to include conduct that had not reached the courts previously, yet they have contributed very little to diminishing the problem of couple violence because of the implied impunity associated with the insignificant dimension of the consumer-basket alternative.

In 2006, due to a widespread movement led by the National Association for Women's Rights, Law 11,340/06 was sanctioned and it suppressed the JECrim's authority to handle domestic violence cases. It created the Courts of Domestic and Family Violence against Women. In the present study, we intend to identify the motives that led to the relegation of the Special Criminal Courts and to the adoption of a punitive model for handling conflicts between men and women, as well as the consequences that this change will produce from the standpoint of the effective capacity of the penal system to act as a mechanism of conflict administration in contemporary Brazilian society.

Up to the moment, phases 1, 2 and 3 of the research subproject have been developed, involving surveys of statistical data concerning the functioning of the Court of Domestic and Familial Violence against Women in the county of Porto Alegre, observation of hearings in the said court, and interviews with judges and district attorneys who worked in those courts and with police officers who worked at the Women's Police Precinct of Porto Alegre. In order to conclude the fieldwork, we also plan to distribute questionnaires to people involved in those conflicts sent to the court, seeking to understand their expectations and to which extent they agree with the judicial authority's forwarding of the case.

The subproject also includes the performance of work focusing on children and teenagers. Within this perspective, and with the objective of broadening the analysis of

the social fight against violence and conflicts in family relationships, the following research areas are being given priority: children, adolescents and demands for protection; relationships between recipients and agents of child-protection services; and comparative analysis of the bibliographic knowledge produced by the social sciences in terms of violence against women and violence against children in family relationships.

Subproject: The Brazilian Justice System and the New Drug Law: the administration of conflicts involving drugs in Brazil (NUFEP/UFF)

Coordinator: Antonio Carlos Rafael Barbosa

Summary and Research Progress

The present subproject seeks to analyze social dynamics and the processes of conflict administration that are present in several contexts of drug use, drug abuse and drug traffic in Rio de Janeiro, with emphasis on the practices and values shared by players that participate directly or indirectly in these situations (criminal system employees, police officers, prison authorities, drug users and pushers, and agents working in the health area or associated with programs in the social assistance field, among others).

As was initially expected, the establishment of a series of problems based on the changes brought about by the new drug law represented a valuable methodological option for establishing an approach that emphasizes the diversity that characterizes these viewpoints and the unequal relationships that occur between them. Nonetheless, as the study proceeded (which implied abandoning several previous hypotheses), and considering the recent, impact-filled changes that occurred in situations of drug abuse and traffic (caused by the sudden development of new ways of using and peddling drugs – especially crack – and by the introduction of new models of legal and police control), several methods of conducting the fieldwork, established in the project, were redirected.

Thus, among the activities planned for the first year – phases one and two of the proposed schedule – we opted to substitute the fieldwork to be conducted at police stations and criminal courts for fieldwork conducted with crack and cocaine users in situations characterized by a kind of sociability of “proximity” and in institutions of the health area, particularly those known as “Caps/Ad” (centers for the psychosocial treatment of users of alcohol and other drugs). Later, among the activities to be conducted is a preliminary survey of the impacts caused by the establishment of “UPPs” (special police peace forces) in the slums and underprivileged neighborhoods of the city

(especially as concerns drug dealing), and an examination of the possibility of associating the recent changes in these markets with the redefinition of factional policies in prisons.

Complementary, empirical research will be carried in relation to the following subjects:

- Changes in the sociability contexts, brought by the recent introduction of *crack* trade in Rio de Janeiro. These changes indicate the emergence of new behaviors that affect heterogeneous groups (poor urban communities residents, homeless people who live on the street, "middle class" consumers and others.). Those changes also redefine the drug market operation.
- Health care and social assistance public services, created in order to attend drug users, considering the operating guidelines of those programs and considering as well the conflicts and connections between medical and legal knowledge in the operation work strategies of the *drug problem*;
- Joints between the recent drug market changes and the redefinition of factional policies in prisons, considering informal markets in such institutions and new forms of criminal acts committed by prisoners or the reframing of old criminal practices. So, it takes to the conclusion that the drug market is not the only occurrence that affects the prison economic and political relationships.
- Relations between the "captive strategies", the penitentiary system control mechanisms and public safety policy with attention to its various actors, as well to the the prison space relationship, with the hole city and its territories, despite of the naturalization of banishment and prison isolation in relation to the city.
- Joints behind the drugs supply chain both in the city and the countryside, specifically marijuana plantation in brazilian northeast countryside, indoor plantation in urban spaces as Growroom in Rio de Janeiro and "*la cultura cannábica*" in Buenos Aires.

The research methodology to accomplish this sub-project objective will be qualitative, focusing on fieldwork and participant observation in the Criminal Courts. The researchers will also conduct interviews with military police, consumers, retailers and small drug dealers, as well as prisoners and prisoners who had finished serving the sentence.

Subproject: A study of minors in conflict with the law in Montes Claros (GPECS/UFRB)

Coordinator: Herbert Toledo Martins

Summary and Research Progress

The present subproject intends to consolidate a database on minors and the crimes they commit in Montes Claros, Minas Gerais, based on an analysis of police reports filed during the period between 2005 and July 2009. The main objective of creating such database is to contribute to the identification of an entire array of problems the city faces in dealing with that issue, thus contributing to the formulation of public policies related to minors in conflict with the law. Furthermore, the study aims at evaluating the institutional system of applying socio-educative measures that regulate the relations between underage violators of the law and the Brazilian penal system in the city. The study's guiding hypothesis is that socio-educative confinement measures are generally applied only to misbehaving minors belonging to the less fortunate social classes. So, it is based on the presumption that the confinement system is selective, mainly in terms of adolescents involved in situations of social risk, i.e., deprived of moral, material and judicial assistance, thus contributing to the establishment of criminal careers.

Subproject: Social Control Through Sports in Social Projects (PPGA/UFF)

Coordinator: Simoni Lahud Guedes

Summary and Research Progress

This investigation intends to analyze sports-related social projects in the metropolitan region of Grande Rio — especially Niterói and São Gonçalo — and in metropolitan region of Buenos Aires. They seek to think about the dimensions of social control in those forms of pedagogic intervention. In the last two decades in both Brazil and Argentina several NGOs have emerged with the proposition of supplementary education for socialization and, eventually, professional training of youths from the most underprivileged population classes. In this study, I propose to compare the Argentinean and Brazilian situations, specifically in relation to the use of sports in these interventions, arguing that the fundamental differences in terms of conceptions about the structure of the Brazilian and Argentinean societies are expressed in those social projects. Later, I intend to expand the comparison to the Colombian situation. From

such a perspective, specific sports-related social projects and public policies that use sports as educational strategies in those three countries are analyzed.

Up to this point, several sports-related social projects in Brazil have been analyzed ethnographically, and investigation of the PUPI Project in Argentina has begun. Also underway are several analyses of public policies involving sports and education in both social environments under examination. Research in Colombia is yet to begin.

Subproject: Litigation, equality and judicial decision in comparative perspective (LAFEP/Faculdade de Direito/UFF)

Coordinator: Fernanda Duarte

Summary and Research Progress

In Brazil, the judicial structure is marked by an attempt to bring together two paradoxical forms of logic: one that regulates social inequality and another that regulates judicial equality. It derives from the market and is founded upon criteria of inequality; and the latter derives from rights resulting from liberal conquests of the 18th century, following the same historical manifestations of the Democratic State paradigm, founded upon equality criteria. Nonetheless, despite the peculiarities that such a paradox exists in different societies, judicial inequality is rejected in those societies.

However, among us, the judicial inequalities inscribed in laws are the object of “naturalized” discourses and justifications, inscribed in judicial decisions that lack comprehension and elucidation even to well-informed citizens. The concept of symbolic violence refers to judicial decisions that allow and encourage unequal treatment and adopt a discourse whose unrevealed objective is to guarantee the perpetuation of privileges deeply rooted in our hierarchy-based society, privileges that are not recognized as such.

After all, this situation of judicial equality ambiguity justifies an investigation into the litigation usage and the representations that judges and courts make about it, in attempt to explain the discussions that circulate in the judicial field concerning the reproduction of social hierarchies.

This subproject seeks to evaluate: a) the democratic deficit (legitimacy) in the egalitarian distribution of justice by the judges; b) the use of lawsuits by courts in the exercise of control over diffuse and concentrated constitutionality; c) accepted and dissonant conceptions concerning the guaranty and access to fundamental constitutional

rights; d) the meaning and role of the Constitution as representative of the choice of the majority; e) the way judges formulate decisions (grammar of the decision) and the meanings they attribute to the constitutional and legal rights, values, principles and rules under consideration, especially judicial equality.

The investigation also proposes a comparative analysis between Brazilian justice system, especially as related to constitutional jurisdiction and American justice system (judicial review). It seeks to understand and explain the differences the contrasts that exist between them in terms of practices and discourses.

Subproject: Religion, Public Areas and Conflicts: Muslim Communities and Identities in Brazil and in the Middle East (PPGA/UFF)

Coordinator: Paulo Gabriel Hilu da Rocha Pinto

Summary and Research Progress

This subproject provides continuity to the ethnographic research that has been developed since 1997 concerning contemporary Islam in specific socio-cultural contexts. I began this study as my doctoral fieldwork in Syria in 1998 and later in Lebanon. Since 2003 I have expanded my ethnographic and comparative universe to the Muslim communities in Brazil, specifically those situated in Rio de Janeiro, São Paulo and Paraná, and in Argentina and Paraguay. This study emerged to satisfy an ever-growing demand for academic knowledge based on empirical research that would accommodate the various forms of Islam in today's world, a subject that has become essential in the debates that define what is being imagined culturally and politically after the September 11th attacks and the Anglo-American invasion of Iraq in 2003.

The study of Islam does not refer to an "exotic" or distant reality, since there are important Muslim communities in practically all of the western countries and in South America too. They connect those societies to the Muslim-majority nations by way of globalized movements and transnational connections.

Brazil has a large Muslim community around one million members. It was formed by various migrants from the Middle East (Syria, Lebanon and Palestine) and through the conversion of non-Arab Brazilians. The Muslim community is basically urban with large concentrations in Rio de Janeiro, São Paulo and Foz do Iguaçu (Paraná State). Those communities exhibit important sociological and cultural differences among themselves. Most Muslims in Brazil are Arab immigrants and their descendants,

who maintain personal and intellectual ties with the Muslim communities in Syria and Lebanon through books, trips, pilgrimages and family ties. Nonetheless, there is a growing number of non-Arab Brazilians who had converted to Islam by way of personal relationships (introduced to Islam via relationships at work, friendship or marriage); or missionary work that is beginning to be done by organized Muslim institutions in mosques and Sufi fraternities with origins in Syria and Lebanon, such as the Shadhiliyya and the Naqshbandiyya.

The main objective of this subproject is to produce a comprehensive ethnographic knowledge base concerning the various introductions of Muslim communities into the local societies of Brazil, Argentina and Paraguay, into Syria and Lebanon and their relation to transnational flows and movements via pilgrimages, missionary work or migration. The objective of this study is to produce empirical data and theoretical considerations concerning the relationship between religion and public areas, and special attention to the emergence of conflicts expressed in religious terms and their mediation.

Subproject: Uses of Body and Language among Afro-Brazilians in Rio de Janeiro: Toward an Anthropological Study of Communication (PPGA/UFF)

Coordinator: Julio Cesar de Tavares

Summary and Research Progress

This subproject means to develop a social and regional corporeality of Afro-Brazilians ethnographic study by means of linguistic division processes that couple language to the body and the resulting interpenetration of both processes in the formation of non-verbal communicative materiality.

The general hypothesis of the study is founded upon the idea that the everyday routine of the African Diaspora in the Americas was structured by way of molecular planes of forces based on the bodily experience and the production of figures of speech of a pro-active (adaptive) and re-active (resistant) nature. The empirical material that supports the subproject consists of interviews, testimonies and videos produced during the fieldwork carried out at the Morro da Mangueira, in 1966, and now underway in Manguinhos (2007-2008), both in Rio de Janeiro. With this material we expect to obtain a discourse cognitive analysis in an attempt to accomplish the following: (1) contribute to understand communicative acts as an interlacing of speech and gestures; (2) attempt to understand how communicative practices exercises the representational function of a

given cultural reality and involves everyday experiences, one's relationships with the space, bodies and time of the community; (3) elucidate knowledge concerning the functions of performances and communicative acts as ritual support of power relationships in the dimension of day-to-day life (in dramas, encounters, situations and contexts that formulate basic interactive processes); (4) investigate how (in everyday social interactions) stereotypes, stigmas, classifications and identity-related processes (based on the somatic norms that organize communicative acts) are constructed. It is hoped that, (5), a documentary film about the study will be produced from the visual material obtained during the recordings.

Main Publications (abstracts)

- Kant de Lima, Roberto; Pires, Lenin; Eilbaum, Lucía (orgs.). *Conflitos, direitos e moralidades em perspectiva comparada* (Conflicts, rights and moralities in comparative perspective). Volumes 1 and 2. Editora Garamond (Publishers), 2010.

The two volumes of *Conflicts, rights and moralities in comparative perspective* launch the collection "Rights, Conflicts and Public Safety," coordinated by Roberto Kant de Lima and Michel Misse, at the Garamond Publishing Co. Those volumes are the product of a series of academic activities developed by a network of researchers who, for various years, have been dedicated to the comparative analysis of institutional conflict administration processes. Made up of anthropologists, lawyers, sociologists, historians and political scientists, this research network shows its originality by including various viewpoints specific to those disciplines in the approaches proposed, choosing as priorities, however, empirical research and theoretical and methodological debate concerning the problems examined. The writings gathered herein demonstrate the social and sociological relevance of empirical research and theoretical discussion of topics that frequently fill the pages of newspapers and everyday conversations, such as police procedure, its legitimacy, the functioning of the various branches of the judiciary, methods of negotiating and administering minor conflicts, and the limits of what is legal and illegal, moral and immoral, among other themes.

- Kant de Lima, Roberto; Tiscornia, Sofia e Eilbaum, Lucía (orgs.) *Burocracias Penales, administración institucional de conflictos y ciudadanía* (Penal bureaucracies,

institutional conflict administration and active citizenship. A comparison of experiences in Brazil and Argentina), Editora Antropofagia (publisher), 2009.

Penal bureaucracies, institutional conflict administration and active citizenship brings together a series of articles by anthropologists and other social scientists who develop research activities in Brazil and Argentina. Derived from empirical research the articles are characterized by a comparison of the ways in which penal bureaucracies are applied and how they are organized, the forms of institutional conflict administration, and citizenship construction processes in the tradition and experiences of each country. Specifically, they deal with local methods of doing justice, claiming rights, acting as police officer and carrying out police work, as well as exercising state control over the citizens. The present work is one of the results of two international agreements of cooperation, involving the University of Buenos Aires and the National University of Misiones, and the Fluminense Federal University, the University of Brasília and Gama Filho University.

- Eilbaum, Lucia e Pires, Lenin (orgs). *Políticas públicas de segurança e práticas policiais no Brasil (Public safety policies and police practices in Brazil)*, 2009, EDUFF. Kant de Lima, Roberto (coordinator). Criminal Justice and Public Safety Series.

This book is the second volume of the Criminal Justice and Public Safety Series (EDUFF). It consists of a set of articles by students of the “Specialization Course in Public Policies of Criminal Justice and Public Safety” at Fluminense Federal University. The purpose of the articles is to contribute to the analysis and reflection of the meaning of being a police officer and carrying out police work in Brazil, especially in the state of Rio de Janeiro. A review of the essays allows us to identify the relationship between Brazilian police practices and inquisitorial tradition, which permeates their actions. Thus, it is possible to understand the structure of police investigations and the relevance of the confessions and declarations by the accused party and by the witnesses, often in detriment to the investigations and other forms of gathering information that will end up by leading the criminal prosecution. Likewise, reading this volume, one finds issues related to the education of military police officers and the difference of this education compared to other forms of gaining knowledge such as, for example, university instruction in Brazil, particularly forms of education aimed

at human and social sciences. Finally, the duties of the police and other agents of the criminal justice system, their competences and consequent disputes over police power and jurisdiction are the object of discussion. The articles were written by various professionals: military and civil police officers, journalists and social scientists.

- MOTA, Fabio Reis. “Manda quem pode e obedece quem tem juízo?!: uma reflexão antropológica sobre as disputas e conflitos no espaço público brasileiro e francês” (“Those who have the power give the orders, and those who are wise, obey them?!: an anthropological consideration of disputes and conflicts in Brazilian and French public spheres”). In *Revista Dilemas*, #4, Volume 2, APR/MAY/JUN 2009.

Abstract

My interest in this essay is to contribute to an anthropological understanding of the meaning of the topic of conflicts in Brazilian and French public spheres seeking to emphasize the manner in which the litigants' courses of action are implemented according to the judicial grammar or sensitivities that guide decisions. Taking two empirical situations as preferential sites in Paris and Rio de Janeiro, I intend to discuss the meanings attributed to the topic of conflicts in both contexts and their implications in an extrajudicial order.

COLAÇO, José & VALPASSOS, Carlos. “Diferentes Percepções da Natureza: As Intervenções Politécnicas, a Fiscalização Ambiental e Pescadores Artesanais na Lagoa Feia” (“Different Perceptions of Nature: Polytechnic Interventions, Environmental Surveillance and Craft Fishermen at Lagoa Feia”) In: *Revista Antropológicas*, Recife, 2006, vol. 17, pp. 95-116.

Abstract

Ever since the 1940s, when the Departamento Nacional de Obras e Saneamento (DNOS - National Department of Public Works and Sanitation) was founded, the Brazilian coastal ecosystems have been the target of a series of sanitary interventions that sought to make a demiurgic reform of nature. Located in the northern part of the state of Rio de Janeiro, the Lagoa Feia water basin is a preferential site for understanding Brazil's sanitation system. The extinction of the DNOS in 1989 did not end the interventions at Lagoa Feia. In recent years, the government intensified the involvement of the Brazilian Environmental Protection Institute (IBAMA), an agency officially responsible for

regulating issues concerning natural resources management. To do so one of the main measures has been the monitoring of fishing activities and their prohibition during the reproductive periods of certain species. In this study, we intend to present the various conceptions of nature among the fishermen of Lagoa Feia, the DNOS and the IBAMA.

EILBAUM, Lucia. *Sobre crenças, verdades e versões: processos de investigação criminal na província de Buenos Aires, Argentina (About beliefs, truths and versions: criminal investigation procedures in the province of Buenos Aires, Argentina)*. In: *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*. PIRES, Lenin; KANT DE LIMA, Roberto; & EILBAUM, Lucía (Orgs.) Volume II. Rio de Janeiro: Editora Garamond (publishers), 2010.

In this article, I present issues derived from the fieldwork I carried on for six months in a court department of Greater Buenos Aires, namely a criminal prosecution division. These divisions are responsible for conducting investigations into crimes committed within the geographical area of the corresponding court district. During this stage, the methods employed must be formally registered in writing, which is known as *judicial procedure*. The second judicatory stage must be developed through public hearings. In this article, I am interested in mentioning aspects of the fieldwork that are related to other types of knowledge and viewpoints existing within the sphere of the work of the district attorney's office. I identify these types of knowledge with varying abilities to transmit diverse forms of knowledge that eventually become (or not) part of court procedure.

PIRES, Lenin. "As mercadorias e seus estabelecimentos – um olhar comparativo sobre o comércio ambulante nos trens do Rio de Janeiro e Buenos Aires" ("Merchandise and its shops – a comparative look at traveling merchants on trains in Rio de Janeiro and Buenos Aires"). In: *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)* PIRES, Lenin; KANT DE LIMA, Roberto; EILBAUM, Lucía (Orgs.). Volume I., Rio de Janeiro: Editora Garamond (publishers), pp. 37-70, 2010.

Between August 2007 and February 2008, I worked on research into traveling salespeople on trains in Buenos Aires. This article is, thus, an attempt to present the qualitative data that has helped me make a comparative analysis of the social

relationships that have developed in analogous situations in Rio de Janeiro, a city where I have been researching analogous relationships for six years. Up to this point, this experience has contributed to my attempt to dimension aspects related to urban environment organization and control in terms of the political and judicial specificities of both societies. I seek to understand these relations within the train environment, namely, to understand how traveling salespeople accomplish their trading on trains, especially the ways in which the vendors are organized and the rules prevailing among them. My aim has been to observe urban life in movement and, from this perspective, to discover how local rules of coexistence can couple to norms that are supposedly established universally. I am interested in understanding how such tension can be created in a society molding distinct — professional and corporate — ethics as expressions of distinct moral teachings (religious and ethnic, among others) in the public sphere.

MIRANDA, A. P. M. “Considerações acerca da criminalização da sonegação fiscal e da fraude no Brasil” (“Considerations on the criminalization of tax evasion and fraud in Brazil”). In: *Responsabilidade Penal na Atividade Econômico-Empresarial (Penal Responsibility in Economic -Entrepreneurial Activities)*. Antônio Ruiz Filho and Leonardo Sica (Org.). São Paulo: Quartier Latin, 2010, pp. 19-50.

Abstract

The criminalization of tax evasion is not a new feature of the Brazilian reality, since it began in the 1950s. Nonetheless, recent facts point to the need of considering how these cases are being treated in order to critically analyze whether it is possible to speak of the criminalization of fraud as a field of action of public institutions. These practices reveal a complex network of relationships and antagonisms of regulatory systems in force which does not function as a mechanism to universalize justice, but, rather, as a political weapon.

- MIRANDA, A. P. M., DIRK, R. C., “Análise da construção de registros estatísticos policiais no Estado do Rio de Janeiro” (“Analysis of the elaboration of statistical police records in the state of Rio de Janeiro”). In: *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*. Roberto Kant de Lima, Lucía Eilbaum and Lenin Pires (Org.). Rio de Janeiro: Garamond (publishers), 2010, v. II, pp. 245-284.

Abstract

The analysis of statistical records in the criminal justice system presupposes prior knowledge of the procedures and practices of institutions that produce information as a result of their daily activities (Police Departments, the Judiciary, the Penitentiary System etc.), as well as an understanding of the “office” work of organizations responsible for systematizing and disclosing information.

This article presents the preliminary results of an assessment of the process of official statistics production developed by the Public Safety Institute, in Rio de Janeiro, and the National Department of Criminal Policy, in Argentina. The work was especially focused on the perception, production and analysis of such data.

Starting with at a descriptive analysis of reports classified as murders in the metropolitan regions of Rio de Janeiro and Buenos Aires, we sought to identify similarities and differences between the two regions, the profiles of the victims and their geographic distribution.

MIRANDA, A. P. M., “Movimentos sociais, a construção de sujeitos de direitos e a busca por democratização do Estado” (“Social movements, the construction of subjects of rights and the pursuit of state democratization”). *Revista da Faculdade de Direito da Universidade Católica de Petrópolis*, vol. 1, 2009, pp. 218-237.

Abstract

This article seeks to raise several issues concerning academic work aimed at analyzing the organization of society into social movements, from the perspective of the pursuit of rights and its relation to state democratization.

AMORIM, Maria Stella de, “Administração de conflitos judiciais em mercados metropolitanos brasileiros: conseqüências e dissonâncias na atualização de modelos avançados de Estado e de mercado” (“Judicial conflict administration in Brazilian metropolitan marketplaces: consequences and conflicts in the modernization of advanced government and market models”). In: *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*. LIMA, Roberto Kant de; EILBAUM, Lucía; PIRES, Lênin (orgs.). Rio de Janeiro: Garamond (publishers), 2010, vol. I, pp. 193-220.

Abstract

Conflicts in relationships concerning the consumption of goods and services are commonly found in the marketplaces of complex societies. Nonetheless, these conflicts tend to be viewed as recurrent and prevalent in Brazilian metropolises, where consensus between contracting and contracted parties is generally not observed, thus leading them to Special Civil Small Claims Courts of Justice. The laws regulating consumer relations, especially those concerning contractual and consumer rights, suffer government interference under the ideological justification of compensating for inequalities between suppliers and buyers, the latter being considered “financially, culturally and technically hypo-sufficient.” The “hypo-sufficiency” category – with or without its threefold subcategory – is still in force under current Brazilian law, thus obstructing equal judicial treatment in contracts and rejecting the socialization of mutual responsibilities in relationships between agents of free markets; it also depreciates consumers’ status as citizens. Thus, instead of protecting them, it encourages aversion and scorn on buyers, leading to the creation of a symbolic market where consumers — particularly those considered weaker — end up by being consumed in the domestic market, which always lacks accessible credit supply, a central commodity in any free market. In this article, such categories and relationships are analyzed in light of the research developed in Special Civil Small Claims Courts of Rio de Janeiro.

SILVA, F. D. L. L. or DUARTE, Fernanda; IORIO FILHO, R. M. “Imunidade parlamentar e análise de discurso jurisprudencial do STF” (“Parliamentary immunity and analysis of the jurisprudential discourse of the Brazilian Federal Supreme Court”). In: *Revista da Seção Judiciária do Rio de Janeiro*, vol. 25, pp. 353-375, 2009.

Abstract

The present article seeks to demonstrate the applicability of the methodology of jurisprudential analysis under development in the studies in progress, within the sphere of the research subproject “The Judiciary and judicial services: citizens’ guarantees, judicial equality and social discrimination in comparative perspective,” associated with the INCT/INeAC, wherein we examine the hypothesis that the inequalities characteristic of Brazilian society are evidenced in the formulation of judicial discourses, concerning the judicial-equality category, in the Federal Supreme Court. Although, at the level of the jurists’ discourse and *habitus*, inequality is not allowed in the judicial sphere, this

study seeks to demonstrate, by way of analyzing the arguments of the magistrates who constitute and constituted the Court, that the lack of rationality involved in the foundations of decisions on contradictions leads to a functional controversy of the justice system. Such dissension does not propitiate the minimum consensus needed to break away from a historical process of creating privileges in Brazilian “citizenship.” In order to do this, and as a new form of jurisprudential research, the study will employ a semiolinguistic analysis of jurisprudential discourse concerning judicial equality in the Federal Supreme Court, especially regarding parliamentary immunity. As an example of the application of this methodology, an analysis of Investigation 2.188-1/BA is presented.

MENDES, Regina Lúcia Teixeira. “Representações dos juízes sobre o princípio do livre convencimento do juiz e outros princípios correlatos” (“Judges’ representations concerning the principle of free motivated conviction principle and other related principles”). In: KANT DE LIMA, Roberto, et al., *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*, Rio de Janeiro, Garamond Universitária (publishers), Vol. II, 2010, pp. 187-210, 2010.

Abstract

This study on Brazilian judges’ representations Judges’ representations concerning the principle of free motivated conviction principle and other related principles aims at explaining judges’ statements regarding such principle and other areas related to it, thus informing us about the magistrates’ decision-making process and the effectiveness of fundamental rights in Brazil. As a starting point toward comprehension, it is worth highlighting the judges’ representations concerning two complementary concepts: the *free motivated conviction principle* and the *judge’s probatory initiative*. Both are inseparable from the judgment and are the highest expression of authority in the Brazilian juridical field. These concepts are examined within the context of doctrinal and legislative discourses, which are considered the guiding wisdom of decision-making processes. Therefore, this study simultaneously encompasses a consideration of three discourses: the discourse of the judges, that of the jurists and that of the law, for free motivated conviction is a concept that involves various, non-uniform areas of legal procedure and is presented as a synthesis of power distribution in the field.

BAPTISTA, Bárbara Gomes Lupetti. “La materialización de la oralidad en el proceso judicial argentino: reflexiones acerca de la producción de verdad jurídica” (“The establishment of orality in Argentinean lawsuits: reflections on the production of legal truth”). In: TISCORNIA, Sofia; KANT DE LIMA, Roberto; EILBAUM, Lucía. (Org.). *Burocracias penales, administración institucional de conflictos y ciudadanía: experiencia comparada entre Brasil y Argentina*. 1st ed. Buenos Aires: Antropofagia, 2009, vol. 1, pp. 239-279, 2010.

Abstract

This article is the result of the research work I carried out in Buenos Aires, from July to October 2006, in virtue of project CAPG-BA 021/05, the fruit of an institutional agreement of cooperation between Fluminense Federal University (Brazil) and the Graduate Program of the School of Philosophy and Letters of the University of Buenos Aires (Argentina), also involving the following associated institutions: the Postgraduate Program in Social Anthropology of the National University of Misiones, in Argentina; the Graduate Social Anthropology Program of the University of Brasília; and the Graduate Law Program of Gama Filho University (Rio de Janeiro). Judicial practices employed in criminal and civil courts of justice of the federal capital of Argentina are the object of study, which focuses on the oral manifestations of litigation. In Argentina, oral pleading is tied exclusively to criminal prosecutions. Nevertheless, during my fieldwork, I observed that oral pleading also appears in civil suits, although the Law does not legitimize its presence in this field. Therefore, the data from the work performed suggest that in Brazil as well as in Argentina, the study of law is subordinated to dogmatism; the judicial field is not concerned with the analysis of judiciary routine and rituals.

POLICARPO, Frederico. “Os discursos acerca das drogas e os idiomas experienciais de consumidores na cidade do Rio de Janeiro: apontamentos sobre a continuidade e descontinuidade no consumo de drogas” (“Discourses concerning drugs and the experiential languages of drug consumers in the city of Rio de Janeiro: points concerning the prolongation and curtailment of drug use”). *Cuadernos de Antropología Social*, 2010. (in press)

Abstract

Reference to psychology or to law for dealing with factors that surround the consumption and trade of drugs is highly common when speaking of drug use. This leads to classifications such as “drug addict,” “user” and “dealer” that are often used in a natural manner, without any reference to either the context in which they were elaborated or the context of the action they seek to describe. In this way, they appear as absolute analytical categories, existing prior to any social relationship. In this study, I present data from several relational situations of drug users to which I had access, in the attempt to present the experiential expressions employed by them to participate in the drug market. Based on this description, I will reveal situations in which some of them place the drug use itself at issue, thus creating the possibility of rearranging their participation in the drug market and influencing the delay (or not) of drug consumption.

SILVA, Hélio R. S. “A situação etnográfica: andar e ver” (“The ethnographical situation: walking and observing”). In: *Horizontes Antropológicos*, Porto Alegre, UFRGS, vol. 32, 2009, pp. 171-188. In print. Homepage: <http://www.ufrgs.br/ppgas/ha>. ISSN/ISBN: 01047183

Abstract

Thoughts on fieldwork based on the author’s ethnographical experience. This study seeks to consider the smallest units composing what is traditionally known as participative observation, namely, walking and observing. It investigates the implications related to the production of the data and information collected and compiled during the research period of this walking and observing that, in the end, implies situating oneself in the field. Once situated, ethnographers must include themselves in the scene observed, which is partly produced by their own observation. This article also seeks to relate ethnographical writing itself, the record of this walking and observing, as a form of communication that should offer the reader the conditions necessary to evaluate the other conditions: those that made it possible to witness the scenes related and the story aimed at the reader

SILVA, Hélio R. S. “Violência e liberdade” (“Violence and liberty”). *Revista Brasileira de Ciências Criminais* (Brazilian Criminal Sciences Magazine), São Paulo, IBCCRIM, vol. 17, 209, pp. 232-264. In print.

Homepage: <http://www.ibccrim.org.br> . ISSN/ISBN: 14155400.

Abstract

This article is aimed at relating the Brazilian essayistic tradition that, as of the 1920s, has sought to discuss and characterize Brazilian culture and the sentiment of “Brazilianism” in relation to the fear culture, present-day representations of violent metropolises and recent studies on urban violence in Brazil.

MELLO, Marco Antonio da Silva; SIMÕES, Soraya Silveira; FREIRE, Leticia de Luna. “Um endereço na cidade: a experiência urbana carioca na conformação de sentimentos sociais e de sensibilidades jurídicas” (“An address in the city: the Rio de Janeiro urban experience in the shaping of social sentiments and judicial sensitivity”). In: KANT de LIMA, Roberto; EILBAUM, Lucía; PIRES, Lenin (orgs.). *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*. Rio de Janeiro: Garamond (publishers), 2010.

Abstract

A decent society is one whose institutions do not humiliate individuals. Based on this premise, the philosopher Avishai Margalit encourages us to follow him in his consideration of how national governments make use of power – the monopoly of which they hold – to the point of giving individuals reasons for feeling humiliated. Following his reasoning, one comes to understand that the opposite of a decent society, namely, a humiliating society, is one “whose institutions lead people to bargain away their integrity”. In this paper, we thus consider institutional humiliation based on one type of urban experience common to most Rio residents, which, as we see it, occurs simply because they have a common address. As we intend to demonstrate, a residential address (a right of any citizen) is itself the place where several of our institutions furnish these reasons, which, according to Margalit, coerce or create situations in which individuals feel humiliated.

GUEDES, Simoni Lahud. “Control Social y el gran circuito del don. Proyectos pedagógicos deportivos en Argentina y Brasil” (“Social Control and the grand domain of the gift. Pedagogical sports projects in Argentina and Brazil”). In: *Burocracias penales, administración institucional de conflictos y ciudadanía. Experiencia comparada entre Brasil y Argentina*. 1st ed. Buenos Aires: Antropofagia (publishers), 2009, vol. 1, pp. 119-142.

Abstract

Sports-related social projects can be defined as pedagogical processes of social intervention. In contrast with the use of sports in elite English schools in the 19th century, a process that can be classified as an intra-class social process; today's social sports projects are generally proposed in the form of a gift from the most fortunate to the most underprivileged, capable of being classified as inter-class social projects. In this paper, my contention is that such projects fit into the "grand domain of the gift" in modern societies. They are undertaken as a part of public policies, whether through the initiative of private volunteers or through public-private partnerships, the latter being the most common. From this standpoint, they can also be viewed as transformed, contemporary forms of philanthropy, a dimension of social-class relations with great historical significance in both the West and the East and a practice that traditionally took refuge, above all, in hegemonic religions. I develop my argument by comparing sports-project-related data obtained in fieldwork developed in Brazil and Argentina, mainly seeking to highlight the contrasts and concentrating on the analysis of the domains of gift that they put into operation in each case.

GUEDES, Simoni Lahud. "Futebol e identidade nacional: reflexões sobre o Brasil" ("Soccer and national identity: considerations concerning Brazil"). In: *História do Esporte no Brasil: do Império aos dias atuais*. 1st ed., São Paulo: UNESP, 2009, vol.1, pp. 453-480.

Abstract

In this paper, I analyze the relationship between soccer and national identity in Brazil recovering part of the considerations I have been developing on the subject for several years and demonstrating the specific "national-sport" characteristics assumed by soccer in Brazil. As numerous studies by social scientists and historians have demonstrated, sports have been a preferential form of creating and expressing group sentiments, operating at very diverse levels, including the national level. I seek to understand the processes by which soccer, alongside other social practices in Brazil, is raised to the status of an icon of national identity, and thus of its difference in relation to others.

SIMIÃO, Daniel Schroeter; DUARTE, Vitor Barbosa; CARVALHO, Natan Ferreira de; DAVIS, Pedro Gondim. "Sentidos de justiça e reconhecimento em formas extrajudiciais

de resolução de conflitos em Belo Horizonte” (“Meanings of justice and recognition in extrajudicial forms of conflict administration in Belo Horizonte”). In: LIMA, Roberto Kant; EILBAUM, Lucia; PIRES, Lenin. (Org.). *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*. Rio de Janeiro: Garamond (publishers), 2010, vol. 1, pp. 221-250.

Abstract

The outcome of two years of study of institutional mediation practices in the slums of Belo Horizonte, this article indicates that there are substantial differences between the local residents’ expectations concerning justice and judicial sensitivity and the local institutional agents’ expectations. This paper presents the results of an ethnographical study based on day-to-day coexistence with residents of one of the villages of Aglomerado da Serra, which made it possible to identify the nature of the village’s everyday conflicts and their connection with specific models of family, conjugality, domestic structure, spatiality, neighborhood and territoriality, as well as expectations related to favoritism and personal relationships in the process of resolving such conflicts. In this presentation, we contrast our observations of the conflicts in the inhabitants’ daily routines against prior observations made within the institutional context of the Mediation and Active Citizenship Centers, pointing out the limits and differences between conflict-administration practices institutionalized through Mediation Centers and those employed by agents of the judiciary (special courts and Courts of Justice) and of the executive branch of the municipality (departments, municipal agencies and providers of public services).

SIMIÃO, Daniel Schroeter. “Igualdade Jurídica e Diversidade Cultural: dilemas para a modernização timorense” (“Judicial Equality and Cultural Diversity: dilemmas in the modernization of East Timor”). In: LEACH, Michael; CANAS MENDES, Nuno; SILVA, Antero; XIMENES, Alarico; BOUGHTON, Bob. (Org.). *Understanding East Timor*. Swinbourne: Swinbourne Press, 2010, pp. 79-83.

Abstract

In the last five years, East Timor has been establishing its justice system by way of training its workforce and elaborating its own legislation. With solid international cooperation, its civil and criminal procedural codes were approved and the framework

of its penal and civil codes was structured – and is now under discussion. On the other hand, the nation is strongly characterized by local forms of administering conflict (nahe biti boot, tesi lia, adat), methods that are guided by a kind of judicial sensitivity that is significantly different from what was proposed for the formal system, that is, methods that are focused on values that are not always considered coherent with a specific modern system. The research for this presentation examines the conflicts between such those forms of judicial sensitivity and their consequences on the incorporation of Timorese cultural diversity into East Timor’s developing government. To do so, we analyze cases brought before the District Court of Dili in which various cultural values are examined. Furthermore, we added a discussion of the various studies already developed in the nation concerning local forms of justice, pursuing a comparative perspective in terms of the role of different forms of judicial sensitivity involved in the incorporation of the moral dimension of law into institutional conflict-administration domains. Finally, from an ethnographical viewpoint, we seek an understanding of the various statutes that deal with equality, hierarchy and inequality in the establishment of judicial sensitivity and an understanding of the conflicts involved concerning Timorese society’s general representations about itself.

CARDOSO DE OLIVEIRA, Roberto. “Concepções de Igualdade e (Des)Igualdades no Brasil” (“Conceptions of Equality and (In)Equalities in Brazil”). In: LIMA, Roberto Kant de; EILBAUM, Lucia; PIRES, Lenin. (Org.). *Conflitos, direitos e moralidades em perspectiva comparada (Conflicts, rights and moralities in comparative perspective)*— Volume 1. Rio de Janeiro: Garamond (publisher), 2010, pp. 19-33. also available in *Série Antropologia*, Vol. 425. Brasília: Department of Anthropology at the University of Brasília, 2009, pp. 6-19. ISSN print format: 1980-9859. ISSN electronic format: 1980-9867. <http://www.unb.br/ics/dan/Serie425empdf.pdf>.

Abstract

If judicial isonomy and unequal treatment are not necessarily contradictory, but rather a paradox, as Kant de Lima would put it, their unification certainly reveals one of the principal peculiarities of the exercise of citizenship among us. For, if it is true that the notion of citizenship as a main reference point for the comprehension of western democracies is permanently associated with the idea of equality, the latter can, thus, have various meanings, expressed in various ways in specific socio-cultural contexts,

and such variety perhaps does not fit the main notion of equal treatment that characterizes the general consensus of post-Kantian political philosophy. Furthermore, if in Brazil we can identify tension between the vision of equality expressed by Rui Barbosa – according to which those who are unequal should be treated unequally insofar as they are unequal (differential treatment) – and the vision that advocates uniform treatment, which is more in line with modern principles of citizenship, in the United States and Canada the principle of uniform treatment has been questioned by social movements, in the defense of multicultural rights (USA) or national rights (Quebec), that identify an important dimension of inequality in uniform treatment. Similarly, the idea of uniform treatment that predominates in Anglo-Saxon liberalism is not exactly the same as the currently prevailing idea in French republicanism, which is equally resistant to the idea of differentiated treatment in the area of citizenship.

In this area, the analysis of the conflicts investigated within the domain of Special Small Claims Courts will focus on the relationship between rights, sentiments and both the aforementioned conceptions of equality, with special attention to the disputes that involve the quality of the tie or relationship between the parties. As such, I believe we must seriously take the rule of equality – which is widely accepted in the judicial field (as well as outside it) – formulated by Rui Barbosa as an alternative vision and not necessarily as a “mistaken conception” (due to presuming a certain form of hierarchy among citizens). This rule reveals how differential treatment is made compatible with an *egalitarian* perspective of justice, although to do so, it must presume actual (or essential, almost natural) inequality between the parties involved, which would make a strict view of equality unviable in the field of rights, in nonconformity with the egalitarian principles of United States liberalism or French republicanism. The problem with this conception of equality is not in its incompatibility with American or French conceptions, but in the tension that it produces when contrasted against the conception of equality as uniform treatment, which is also current in the Brazilian public sphere and in the perspective of the citizens. Under many circumstances, the lack of clarity or transparency of the justifications given by state authorities when basing their decisions on the concept of equal rights, without adequately explaining why they make different decisions in similar situations, leads to a lack of comprehension on the part of the citizens, frequently making the actions of the government and of our judicial institutions seem arbitrary.

RIBEIRO, Fernanda Bittencourt. “Conselho Tutelar e negociação de conflitos” (“Guardianship Councils and conflict negotiation”). In: Claudia Fonseca; Patrice Schuch (Org.). *Políticas de proteção à infância - Um olhar antropológico*. Porto Alegre: UFRGS Press, 2009, vol. 1, pp. 93-112.

Abstract

The objective of this study is to identify the relationships that are revealed through the work of the Conselho Tutelar (CT - Guardianship Council) that, thus, become the main targets of its intervention. Presenting data collected through research accomplished during the CTs first operational period in Porto Alegre in the early 1990s, the study also seeks to identify this institution's potential to act compared with other experiments such as police precincts offering a Women's Services Division. The “case log” of one of the city's CTs, a series of 70 dossiers corresponding to the complaints received by the CT during one month of its first year of operation, and direct observation of the institution's daily routine during a nine-month period were used as data sources. The fact that the data corresponded to the CT's first year of operation made it possible for us to grasp the use the public made of this institution after it was founded, when the discourse concerning the ECA (Estatuto da criança e do adolescente - Statute for Children and Adolescents) and the rights of children and adolescents had recently begun to be disseminated. The data collected allows us to affirm that the CT's work offers social visibility to family groups. Insofar as Guardianship-Council intervention is principally mobilized by “family relationships,” such relationships also furnish the institution with data that characterizes, at that moment, the problems of childhood and adolescence. Through meticulously reading of each dossier, we also sought to observe what the dossiers reveal concerning the characteristics of complaints that involve family groups in terms of both denouncements and accusations. This procedure includes identifying each “character” of the cases read and mapping the accusations made. It permitted us to group the cases into three types of grievances that characterize the situations in which families and children or teenagers themselves make use of the Guardianship Council and which suggest to us the possibility of CT counselors acting as dispute arbitrators: (a) cases in which we can identify disputes between adults; (b) cases in which family members resort to the CT to complain about children or teenagers; and (c) cases in which the children or teenagers themselves visit the CT to complain about members of their families.

PINTO, Danilo Sousa; MARTINS, Herbert Toledo. “A Liberdade de Troca e Transação e a Defesa do Mercado em Desenvolvimento como Liberdade” (“The Right to Trade and Transact and the Defense of the Market under Development as Liberty”). In: *Desenvolvimento Social em Perspectiva*. Elton Dias Xavier & Gilmar Ribeiro dos Santos (Org.). – Belo Horizonte: Sografe (publisher), 2009.

Abstract

This article examines the notion of the right to trade and transact described by Amartya Sen in his book *Development as Freedom*. It seeks to understand what this freedom is, what preconditions are to its existence and how it relates to the modern market. The issue is as follows: is the market a preferred institution for creating real opportunities to conduct trade and transactions? If, as Amartya Sen points out, the concept of freedom involves the notion of opportunity to make choices, then the market should be the driving force behind exchanges and transactions. Thus, the article discusses several conceptual contradictions in the work on screen. It contends that the freedom to establish trade and transactions stems from social relationships among individuals of diverse cultural backgrounds, and thus cannot be attributed to legitimate commerce alone, and that this freedom to trade and transact often requires a stance (on the part of the government) that can even affect the black market.

LIMA, Lana Lage da Gama; SOUZA, Suellen André de; SOUSA, Fernando C. de. “Os Desafios da Lei Maria da Penha como Política Pública de Gênero” (“The Challenges of the Maria da Penha Law as a Gender-Based Public Policy”). In: *Avaliação de Políticas Públicas de Segurança*. Teoria e Prática. (in press)

Abstract:

Historically, gender-based public policies implemented in Brazil have resulted from feminist-movement pressure. Created in the mid-1980s, the Special Precincts of Assistance to Women sought the actual criminalization of certain behavior that, as a whole, is characterized by the term “violence against women.” As of 1996, the Special Small Claims Criminal Courts (which were created to administrate conflicts viewed as having minimal offensive potential) began to accept cases of violence against women, which did not result in satisfactory methods for arbitrating those conflicts. Discontentment on the part of the users of that service motivated the feminist movement

to discover alternatives to the judicial handling of cases of violence against women, which resulted in the promulgation of Law #.11,340/06, the Maria da Penha Law. Administration of interpersonal conflicts involving close, personal relationships (as in cases that are classified as “violence against women” and “domestic violence”) implies confrontations between supposedly universal judicial classifications and different codes of conduct that are culturally legitimized, which amounts to a challenge to be met, within the sphere of the practices employed and of theoretical consideration of the issue.

MELLO RANGEL, V. C. T. “As Práticas de Atendimento à Mulher Vítima de Violência em um Núcleo de Atendimento de uma Cidade do Interior do Estado do Rio de Janeiro” (*Procedures for Attending to Battered Women at a Women’s Services Center of a City in the Interior of the State of Rio de Janeiro*). In: *Habitus* (a social science journal), UFRJ, Rio de Janeiro, 2010.

Abstract:

Based on visits to and semi-structured interviews made at a Women’s Services Center in the interior of the state of Rio de Janeiro, at the district police precinct where this center was implemented and at two other Women’s Reference Centers, we intend to analyze this center’s procedures for dealing with women who are victims of violence. The objective of this study is to discuss the importance of the implementation and standardization of gender-based public policies in the safety area, thus contributing to guaranteeing and broadening women’s rights, which is one of the conditions necessary to establish a democratic state of rights in Brazil. The concept of social representation can help us understand the relations and practices of the institutions that attend to women who are victims of violence.

Keywords: Violence against women; Conflict administration; police procedures. TISCORNIA, Sofia 2009. “El activismo internacional de los derechos humanos y la capacidad de fijar límites al poder de policía” (“International human-rights activism and the capacity to establish limits on police power”). In: Stanley, Ruth (comp.) *Estado, violencia y ciudadanía en América Latina*. Entinema, Madrid, ISBN 978-84.8198-798-0, pp. 298-330

Abstract:

International human-rights norms establish clear limits on a nation's power to coerce its citizens. Therefore, they have a considerable impact on national safety policies. The presentation of cases of human rights violations to the CIDH (Corte Interamericana de Derechos Humanos – Inter-American Court of Human Rights) - has proven to be an effective judicial and symbolic mechanism for establishing human rights norms at a local and regional level. In this article we intend to analyze the cases presented to the Commission and Court of the CIDH, in which civil-rights restrictions of police power are discussed, as is the case of norms that allow the police to make arrests without judicial authorization. This debate places the various national and international human-rights movements face to face with national governments.

The purpose is to conduct a comparative analysis of the various forms of logic and courses of action employed by government agencies concerning both the coordination of the handling of cases brought before the CIDH and the procedures for enforcing the CIDH Court's ruling once it has been pronounced. The ways in which a government "acts" are related both to the limits established for the bureaucratic political actions of its agents and to the pressure and lobbying that human rights movements can exert upon it. Adapting police norms and safety laws to the standards of the American Human Rights Convention implies encouraging consensus concerning a particularly sensitive issue that involves the relationship between safety policies and liberties originating from the exercise of active citizenship: what are the limits on the police power to detain people that are under "suspicion" or supposedly "dangerous"? Briefly stated, we seek to analyze the impact of international civil-rights institutions on safety and citizenship.

TISCORNIA, Sofia. 2009. Vida de policías, códigos morales y derechos humanos (Police life, moral codes and human rights). A propósito de *Tropa de Elite* (José Padhilla, 2007) y *El Bonaerense (Do outro lado da lei)*. (Pablo Trapero, 2002). In: Kant De Lima, Roberto; Tiscornia, Sofia; Eilbaum, Lucía (organizers). "*Burocracias penales, procesos institucionales de administración de conflictos y ciudadanía. Experiencia comparada entre Brasil y Argentina*" (Penal bureaucracies, institutional conflict administration and active citizenship. A comparison of experiences in Brazil and Argentina). Antropofagia, Buenos Aires, ISBN 978-987-1238-60-6, pp. 11-25.

Abstract

This article seeks to analyze – in an exploratory manner – different ways of viewing and interpreting the crimes and punishments involved in police work. The films under examination will be treated in terms of presenting and representing different uses of the law, violence and morality in relation to the various meanings the human rights movement had – and still has – in Argentina and Brazil.

OLIVEIRA, María José Sarrabayrouse. 2009. “Reflexiones metodológicas en torno al trabajo de campo antropológico en el terreno de la historia reciente” (“Methodological considerations concerning anthropological fieldwork in the domain of recent history”). In: Cuadernos de Antropología Social N° 29 (pp.61-83), Institute of Anthropological Sciences, Social Anthropology Department, School of Philosophy and Letters, University of Buenos Aires (ISSN:0327-3776).

Abstract

This paper introduces several methodological problems faced during the preparation of the doctoral thesis defended by the author, in which we developed an ethnographical study of the practices and procedures of criminal justice during Argentina’s most recent military dictatorship. The study was structured upon the analysis of a judicial case, which first led us to the question of what these documents bring and what possibilities anthropology offers for their analysis. Additionally, the study involved interviews with people that served as witnesses and protagonists of the case related herein. Thus, in order to conduct this study, we had access to two written records and testimonies of the time, both elements of a significant part of our fieldwork in the specific domain of criminal justice in the 1970s.

GARAÑO, Santiago. “Romper la vidriera, para que se vea la trastienda: Sentidos, valores morales y prácticas de “resistencia” entre las presas políticas de la cárcel de Villa Devoto durante la última dictadura militar argentina (1976-1983)” (Breaking the window in order to see into the room: Meanings, moral values and practices of ‘resistance’ among political prisoners of the Villa Devoto prison during the last Argentinean military dictatorship (1976-1983)). *Revista Historia Crítica*, #40, January-April 2010, pp. 98-120, ISSN 0121-1617.

Abstract

This study seeks to reconstruct the latticework of power relationships that took form in the prison of Devoto, where 1200 prisoners were confined during the 1976-1983 Argentinean military dictatorship. In contrast with previous studies, we want to show, on the one hand, how punitive systems and forms of “resistance” of the imprisoned militants are articulated in this space and, on the other, how they formed certain politically and symbolically powerful groups that established partisan regimes to make it through the prison experience.

Main Events

1. Conferência Municipal preparatória da Conferência Nacional de Segurança de São Gonçalo (23 e 24 de maio de 2009);
2. Conferência Livre preparatória da Conferência Nacional de Segurança Pública (Niterói, 9 e 10 de junho de 2009)
3. Colóquio NUFEP: 15 anos em perspectiva, comemoração dos 15 anos do NUFEP (Niterói, 10 e 11 de dezembro de 2009).
4. II Seminário Justiça Criminal e Segurança Pública: Políticas Públicas de Segurança e Práticas Policiais no Brasil (lançamento do volume II de Monografias do Curso de Especialização de Justiça Criminal e Segurança Pública. (Niterói, 26/03/2010)
5. Seminário Direitos Humanos e Políticas Públicas de Gênero: entre representações e práticas (Niterói: 14/05/2010)
6. Colóquio Aspectos Humanos da Favela Carioca: ontem e hoje. (Lemetro/IFCS/UFRJ, InEAC) (Rio de Janeiro, 19 a 21 de maio de 2010)
7. Workshop Os Registros das Guardas Municipais como fonte de informações: limites e possibilidades (Niterói, 28/07/2010).