

8º DIÁLOGO BRASIL-ALEMANHA DE CIÊNCIA, PESQUISA E INOVAÇÃO

SÃO PAULO, 31 DE OUTUBRO DE 2019

POLITICAL SPECTRUM AND CRIMINAL POLICIES DEMOCRATIC CONVERGENCES AND AUTHORITARIAN TENSIONS IN BRAZIL (1994-2018)

Frederico de Almeida (PolCrim/Unicamp)

#PolCrim

laboratório de estudos de política e criminologia



UNICAMP

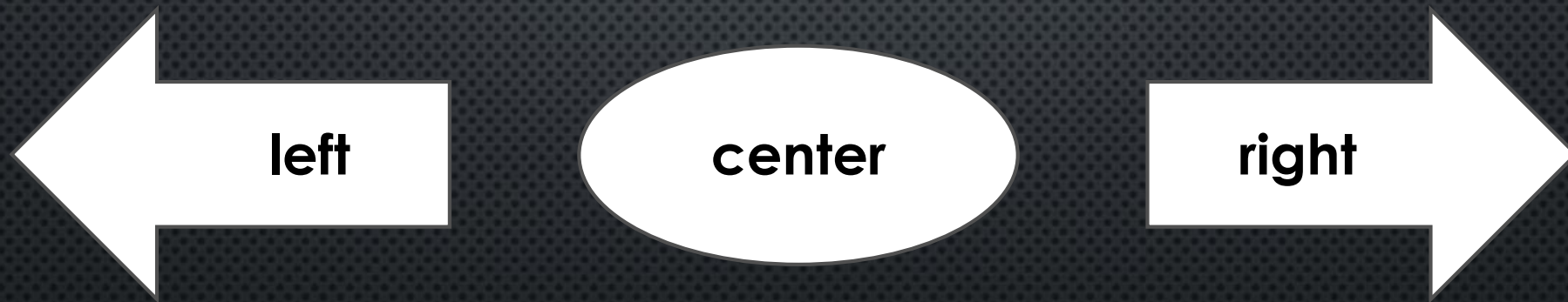
THE GOAL

- UNDERSTAND BOTH THE SUSTAINABILITY AND THE CRISIS OF A PATTERN OF DEMOCRATIC CONVERGENCE ON HUMAN RIGHTS AND CRIMINAL POLICIES IN BRAZIL (1994-2018)

THE HYPOTHESIS

- THE EXISTENCE OF AN IDEOLOGICAL CENTER OF HUMAN RIGHTS AND CRIMINAL POLICIES DURING THE PSDB AND PT ADMINISTRATIONS AT THE FEDERAL GOVERNMENT

POLITICAL SPECTRUM AND POLITICAL CENTER



THE CONTEXT

- POLITICAL TRANSITION: FROM AN AUTHORITARIAN REGIME TO DEMOCRACY
- STATE VIOLENCE *VERSUS* HUMAN RIGHTS
- CONSTITUTIONAL DEMOCRACY *VERSUS* PERSISTENT VIOLENT AND ILLEGAL PRACTICES
- REFORMING LAWS, JUDICIAL AND POLICE INSTITUTIONS

THE IDEOLOGICAL SPECTRUM OF CRIMINAL POLICIES: AGENDA

RIGHT

- more severe penalties
- creation of new criminal laws for new criminal problems
- uncontrolled state power
- death penalty

CENTER

- respect for human rights
- a balance between efficient prosecution and guarantee of fundamental rights
- institutional modernization
- balancing the decriminalization of less dangerous crimes with efficient prosecution of serious, complex crimes

LEFT

- alternatives to prison
- criminal abolitionism
- peaceful conflict resolution

THE IDEOLOGICAL SPECTRUM OF CRIMINAL POLICIES: ACTORS

RIGHT

- politicians (and their constituences, from right to left)
- police forces
- sensationalist media
- judges, prosecutors, lawyers

CENTER

- main political parties (PSDB, PT)
- Brazilian Supreme Court (progressive jurisprudence)
- human rights activists and organizations
- intellectuals (lawyers and sociologists)
- legal professions activists (progressive judges, prosecutors, public defenders, lawyers)

LEFT

- intellectuals (legal criminologists)
- social activists

THE IDEOLOGICAL SPECTRUM OF CRIMINAL POLICIES: ACTIONS

RIGHT

- production of criminal legislation (politicians)
- spread of moral panic (media and politicians)
- violent and illegal practices (police and justice system)

CENTER

- National Public Security Plans (Executive Branch)
- alternative penalties
- procedural reforms
- judicial reforms

LEFT

- theoretical criticism

TENSIONS AND RESISTANCES

- ELECTORAL PRESSURES ON ALL POSITIONS OF THE POLITICAL SPECTRUM
- PUNITIVE DEMANDS FROM SOCIAL MOVEMENTS (THE BLACK MOVEMENT, THE FEMINIST MOVEMENT, PEASANTS MOVEMENT)
- OVERLAPPING INSTITUTIONAL VETOES (FEDERATIVE AND MULTI-INSTITUTIONAL SYSTEM)
- INSTITUTIONAL PRACTICES AND CULTURES (POLICE AND JUSTICE SYSTEM)

POLITICAL CRISIS AND THE CRISIS OF THE IDEOLOGICAL CENTER OF CRIMINAL POLICY

PT ←————→ PSDB/PMDB/PFL (1994-2002)

PT ←————→ PMDB ↔ PSDB/DEM (2003-2005)

PT/PMDB ←————→ PSDB DEM (2006-2014)

PT ←————→ PMDB/PSDB/DEM/"CENTRÃO" (2014-2018)

POLITICAL CRISIS AND THE CRISIS OF THE IDEOLOGICAL CENTER OF CRIMINAL POLICY

- NEW ACTORS: PSL, "BULLET CAUCUS", "CENTRÃO"
- "CAR WASH OPERATION":
 - JUDICIAL, MORAL AND ANTI-SYSTEMIC CRUSADE
 - PRESSURES ON THE BRAZILIAN SUPREME COURT
 - "10 ANTI-CORRUPTION MEASURES" (CRIMINAL LAW REFORM)
 - INCREASING THE LEGITIMATION OF ARBITRARY PRACTICES
- NEW ASSOCIATIVE / LEGAL ACTIVISM (CONSERVATIVE / PUNITIVE BACKLASH)

OBRIGADO!

