

## Drug Policy in Brazil: Conflicts and Alternatives

Beatriz Caiuby Labate & Thiago Rodrigues (eds).

In today's world, a great number of drugs, different in their uses and properties, are grouped into the same category: that of prohibited substances. However, the criminalization of many of these drugs, whose consumption is part social and cultural practices sometimes stretching back to ancient times, creates serious conflicts. In analyzing the history of the prohibitionist paradigm at the international level and in Brazil, this book aims to piece together numerous perspectives on how certain drugs, their uses, and their trade were constituted over the course of the 20<sup>th</sup> century as problems of public health, and public, national and international security. The chapters also present diverse visions of the effects of prohibition—specifically those relating to these specific problems—with an emphasis on the relationship between present-day politics surrounding drugs, trafficking, and the high levels of social violence associated with the drug trade. In line with the contemporary debate and attentive to new proposals for alternative legal solutions, the chapters promote reflection over novel experiments in the regulation of psychoactive drugs for purposes other than repression and the perpetuation of preconceptions, social stigmatization, and the conversion of citizens into “public enemies” or “enemies of morality”. At the same time, the book seeks to reinforce the role and unique contribution of social sciences within the public debate over drugs in Brazil.

### *Editor's biographies:*

Beatriz Caiuby Labate has a Ph.D. in social anthropology from the State University of Campinas (UNICAMP), Brazil. Her main areas of interest are the study of plant medicines, drug policy, shamanism, ritual, and religion. She is Executive Director of the Chacruna Institute for Psychedelic Plant Medicines (<http://chacruna.net>), an organization that provides public education about psychedelic plant medicines and promotes a bridge between the ceremonial use of sacred plants and psychedelic science. She is Adjunct Faculty at the East-West Psychology Program at the California Institute of Integral Studies (CIIS) in San Francisco, and Visiting Professor at the Center for Research and Post Graduate Studies in Social Anthropology (CIESAS) in Guadalajara. She is also Public Education and Culture Specialist at the Multidisciplinary Association for Psychedelic Studies (MAPS). She is co-founder of the Drugs, Politics, and Culture Collective, in Mexico (<http://drogaspoliticacultura.net>), and co-founder of the Interdisciplinary Group for Psychoactive Studies (NEIP) in Brazil, as well as editor of NEIP's website (<http://www.neip.info>). She is author, co-author, and co-editor of twenty books, one special-edition journal, and several peer-reviewed articles (<http://bialabate.net>).

Thiago Rodrigues is Full Professor of International Relations at the Institute of Strategic Studies of the Fluminense Federal University, in Rio de Janeiro, Brazil. He has a PhD in international relations from the Pontifical Catholic University of São Paulo, Brazil, with a research partnership at the Institut des Hautes Études de l'Amérique Latine of the Sorbonne University, Paris. He is a researcher and member of the Núcleo de Sociabilidade Libertária (Nu-Sol/PUC-SP) and associate-researcher of the Regional Coordinator of Economic and Social Research (CRIES), Buenos Aires, Argentina. Rodrigues is one of the founders of the Nucleus for Interdisciplinary Studies of Psychoactives (NEIP), Brazil. He has published the books: *Política e drogas nas Américas* [Politics and Drugs in the Americas] (2004); *Guerra e Política nas Relações Internacionais* [War and Politics in International Relations] (2010) and *Narcotráfico: Uma Guerra na Guerra* [Drug Trafficking: A War into a War] (2012), among other titles. His fields of interest are: drug trafficking and security; Latin American security; non-state actors and global security; and post-structuralist international relations (IR) theory.

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### **Foreword**

Vera da Silva Telles

### **Introduction: Drug Uses and Drug Policy in Brazil in Perspective**

Beatriz Labate & Thiago Rodrigues

#### **1. The Genesis of Abstentionism and Alcohol Prohibition in American Historiography and some Reflections in Brazil**

Henrique Carneiro (USP/NEIP)

It examines the question of the prohibition of alcoholic beverages between 1919 and 1933 in the US in a historiography that emphasizes the elements of religious puritanism that preceded the adoption of the 18th Amendment to the US Constitution, analyzes the 13 years of its duration, then search explain the reasons for their withdrawal by another amendment, the 21st. In other countries, however, the ban was an exception and Brazil, in particular, the weight of sugarcane production discouraged the few initiatives that have occurred at the same time the US Prohibition.

#### **2. Prohibition and the “War on Drugs” in the Americas: An Analytical Approach**

Thiago Rodrigues (INEST-/NEIP) & Beatriz Caiuby Labate (CIIS/CIESAS/Chacrana/NEIP)

In the beginning of the twentieth century, a national and international process drove a great amount of psychoactive drugs into illegality. The historical movement towards the criminalization of the production, trade, and use of those drugs is a complex articulation between social practices and security moves made by many states worldwide. In the Americas, it is possible to follow this by studying how moral perspectives connected with emerging technologies of government. This chapter aims to present an analytical framework that addresses the “problematization” and the “securitization” of psychoactive drugs in the Americas, i.e., to show how some drugs became moral, social health, and security “problems” demanding security measures by the states. The proposed framework has five interconnected levels: the moral/social practices level, the public health level, the public security level, the national security level, and the international security level. Our hypothesis is that each one of the American nations that developed internal prohibitionist regimes has faced a singular equilibrium between these five analytical levels. Alongside the general exposition of the framework, we briefly present the historical cases of United States, Brazil, and Mexico in order to indicate how we conceive of what might be possible applications of our analytical suggestions.

#### **3. Brazilian Drug Policy: Tension Between Repression and Alternatives**

Thiago Rodrigues (INEST-/NEIP) & Beatriz Labate (CIIS/CIESAS/Chacrana/NEIP)

Policies toward illicit drugs have attained the utmost relevance in the debate pervading all levels of Brazilian society. Propositions for relaxation of traditional, coercive legislation shares the landscape with others aimed at maintaining and deepening prohibitionism and its corollaries. This chapter describes the narratives produced in the history of Brazil's prohibitionism, from the beginning of the twentieth century until the current times, and its unfolding juridical backdrop. Among other possible repercussions, Brazil's domestic politics and its connections with international prohibitionism, inclusive of the War on Drugs, are presented, as are the political associations, progressive and conservative, that are currently at play there. The paradoxes and tensions that currently pervade Brazil's policies toward the drug issue are underscored. These policies oscillate between blunt, military support for the War on Drugs, the moral persecution of users and addicts, and support for controversial treatment campaigns, to reformist propositions carried out in other Latin American countries with the support of social movements, such as the proposal to regulate the medicinal or recreational use of cannabis. The authors wrap up the chapter by addressing the different political traditions and moral views that inform these opposing views, and try to understand the wider implications of contemporary changes to Prohibition at a global scale.

#### **4. Drug Law in the Formation of the First Command of Capital**

Karina Biondi (UFSCar)

This chapter is about the relation between the question of drugs and the First Command of Capital (PCC). It is divided in two parts; in the first one, after I introduce my approach to the PCC, and the dynamics of the ideas and movement that form it, I write about the extinction of crack inside Sao Paulo's prison and the ethics concerning the use of other drugs. In the second part, I write about the transformations of these politics after the sanction of the Drug Law. Conferring primacy to the relations (instead of the terms), I show how drug issues are inherent in the forms assumed by the PCC. I also intend to show how state policies, legal dispositions and official acts are part of the very configuration of the PCC. Making the relations that form the PCC visible, I intend to show the mix and the conjugation—in contrast to the simple opposition—between, on the one side, the state and legal forms and, on the other, the criminal, informal and illegal ones.

#### **5. Cars, Drugs, Insurances: Entangled Business**

Gabriel Feltran (UFSCar) & Filipe Moreno Horta (UFSCar)

This chapter examines the articulation between the stolen car market and drug trafficking, focussing on the roles of insurance companies, national legislation, and the rules enforced by criminal collectives, like the *Primeiro Comando da Capital* (First Command of the Capital, PCC), who compete over its regulation. Breaking with approaches towards the "question of drugs" and violent crime centred on individual deviance, poverty, "state absence" and/or family breakdown, it is argued that today's urban conflict, exhibited in the representation of "urban violence", has the competition for profits from these legal-illegal markets as one of its fundamental material bases. The argument presented is based upon fieldwork conducted in the peripheries of São Paulo, alongside documentary research on a range of data sources and media reports.

## **06. The advent of "Unidades de Polícia Pacificadora" (Peacemaker Police Units) and the Changes in Criminal Dynamics in Rio de Janeiro**

Antonio Rafael Barbosa (UFF)

In this chapter I propose to examine some features of drug market in Rio de Janeiro and also make some considerations about the impact of a new policing experience - the "Unidades de Polícia Pacificadora" (Peacemaker Police Units) - in these drug markets situated in the slums and poor neighborhoods of the city.

## **07. The "Stupideaucracy" of the "War": Homicide Investigation Related to "Drug Trafficking" in the Metropolitan Area of Rio de Janeiro**

Flavia Medeiros (UFF/NEIP)

This chapter demonstrates how the police uses an intricate system of records and procedures guided by moral values to practice of tools the necropolitics that operates the State to control killings and the dead. I present an ethnographic description of homicide related to drug dealing and how it was administered and graded by the state through the action of agents responsible for investigating homicides and capture its suspects. Data come from field work conducted in 2014 at a "Homicide Division" (DH) in the metropolitan area of Rio de Janeiro, Brazil, a civilian police unit specializing in the investigation of deaths classified as homicides and other crimes against life. I observed the daily life of police officers within the division and investigating how these differentiate cases of murder. Looking at the development stages of this procedure, I identified "techniques" and "moralities" articulated in the construction of truths about homicides. I took the native categories: "Stupideaucracy" and "war" to take seriously the expression of how agents relate to the state administration which are part. These categories elucidate the overt bureaucracy in the daily records, the context of armed struggle for territory between and with members of "drug dealing" and how the police administrate conflicts and fulfills its role in a necropolitics State

## **08. Pacification, Militarization and the "War on Drugs" in Brazil**

Thiago Rodrigues (INEST-/NEIP) & Beatriz Caiuby Labate (CIIS/CIESAS/Chacrana/NEIP)

The Brazilian drug policy lays its roots in a broader history of repression toward marginalized social groups, especially the poorest Afro-descents living in major cities' favelas and peripheries. Based on the identification of 'internal enemies', this repressive tradition has assumed many faces since the colonial era. It is our hypothesis that it is possible to analyse the current 'war on drugs' in Brazil by following the present 'pacification' policies headed for some favelas in Rio de Janeiro. This process involves the state Military Police and, punctually, the Armed Forces in an unprecedented program of conquest and occupation of areas previously under drug gangs rule. We argue that the 'militarization' of public security in Rio – justified by the war against drug trafficking – is not a mere case of engaging the military in police functions. Yet it is a more complex process that articulates police, the Army, state agencies, NGOs and private corporations that ignites a novel dimension of biopolitical government over selected urban areas.

## **09. Incarceration and Medicalization: Production Techniques and Suffering Management**

Fábio Mallart (USP)

The work proposal presented here is based on ethnographic research conducted in various urban areas of São Paulo, including neighborhoods, prisons, detention spaces for teenagers, hospitals of custody and psychiatric care, psychosocial care centers for alcohol and other drugs (CAPSad), and areas such as the so-called “cracolândia paulistana” (Crackland in São Paulo). It consists of an attempt to understand the two phenomena of growing mass incarceration practices and medicalization that operate as management techniques of bodies considered unwanted and dangerous. Considering the dynamics established inside prisons, and bearing in mind the multiple connections to other spaces in the city, it is possible to notice how the effects triggered by the experience of incarceration — mental and physical — are managed via psychiatric substances. Seen in these terms, I will demonstrate how psychiatric pills act not only as chemical management mechanism of bodies and minds, but also as a control technique for prison population, and especially as a management tool in a consistently overcrowded space.

#### **10. "Rights Package" and Repression in 'Cracolândia' -SP: Two years of "Open Arms" Program (Jan.2014-Jan.2016)**

Taniele Rui (UNICAMP/NEIP)

Through the analysis of the program “De Braços Abertos” (Open Arms), this chapter intends to discuss the recent ambivalence between rights and punishment in the área known as cracolândia (São Paulo-BR). Following the trajectory of Luana and the quantitative and qualitative evaluation data, this reflexion aims to show that the intimate relationship between rights and punishment, on one side, reveals the heterogeneity of the public policies and the temporary State, on the other, points the constraints of progressivist policies in a context of “war on drugs”. Specifically, this chapter intends to propose a qualified reflexion on the public police in the “cracolândia”. More generally, it proposes to think new injunctions between right and punishment, care and control, compassion and order – regular elements of the government of precarity.

#### **11. Notes of the War Logic of the State Policies and Evangelical Policies to Combat Crack in São Paulo**

Deborah Fromm (UNICAMP/NEIP)

This proposal aims at the issue of drugs, especially crack in Brazil. The subject will be treated into the interface between the evangelical expansion and the growing militarization of urban spaces, especially in the outskirts of the city of São Paulo. In Brazil, the management of these populations and marginal spaces is not restricted to state actions. Knowing this and considering the current Brazilian context of the "War on Crack", this work sheds light for a missionary policy of Baptist churches dedicated to the fight against crack at the national level. Based on the trajectory of a crack user interlocutor who went by the process of religious conversion involved in the Baptist treatment, obtained during the four years (2011-2015) field research in Baptist Mission Cracolândia, I plan to more specifically discuss the significant presence of a war perception in both state policies as the Baptist policies with respect to their elaborations on the "crack issue" in Brazil. Argument that there is a correspondence between demonization processes of populations and marginal areas, undertaken by evangelicals, and the processes of criminalization of same by the State.

## **12. On the Controls Around the use of Drugs: A Consideration of the "Drug Treatment Industry"**

Frederico Policarpo (UFF/NEIP)

The debate on the relationship between legal power and scientific knowledge that informs the drug apparatus is well known. It is considered that the development of this medical-legal matrix is part of political and historical processes that led to the centralization of power relations under the organization of the modern state and the promotion of self-control. Whether it was a result of the expansion of social interdependence chains and competition that characterizes the "civilizing process" or the techniques of subjection to produce docility-utility relationship that characterizes the "disciplines", what is important is to note that the legal sphere encompasses, little by little, other knowledge, other techniques besides the legal techniques. In this context, the mere legal repression, based on the simple binary opposition between what is permitted and forbidden, legal and illegal, is giving space to other forms of control, based on norms. Following this fragmentation of the legal power to punish is created an immense "drug treatment industry". This industry transforms drugs in a "a kind of perpetual motion machine." The success of this "perpetual motion machine" is due to its ability to produce as much medicine as drugs, both the law and the repressive institutions as the normalizing sanction and the treatment institutions. This chapter discusses its functioning taking into account ethnographic researches in the cities of Rio de Janeiro, Brazil, and San Francisco, USA.

## **13. Plant, Illegal Drug and Medicine: Notes for a Study on the Medicinal Use of Marijuana in Rio de Janeiro**

Emilio Figueiredo (Growroom), Frederico Policarpo (UFF/NEIP), Marcos Veríssimo (UFF)

From the 2014 Marijuana March in the city of Rio de Janeiro, a new "collective" was created by the "growers". This is the "mothers" of medicinal marijuana user patients, who from then take the place of "front commission" along with their children in the head of the march. The meeting of the "mothers" with the "growers" took place in a context of findings on the effectiveness of the use of marijuana as therapy for cases of childhood epilepsy. The fact that marijuana appears as a remedy to cure children could not fail to be placed as a value for those who militate for a long time the "legalization" of marijuana in Brazil. Values supported by the image of a mother who does everything for the child's well-being to the point, not only to "put the face" in Marijuana March, but also of trafficking illegal products to use as medicine. In short, the value of compassion for the suffering child. The result of this meeting is the creation of a civil non-profit association, the ABRACannabis. The association also has the "researchers" that add to the efforts to advance with the local production of marijuana cultivation and oil extraction for medicinal use. In this chapter, we undertook an ethnography of ABRACannabis meetings in order to closely observe the original movement that is this form of association.

## **14. Some Post-Prohibitionist Challenges: The Case of Marijuana Regulation**

Maurício Fiore (PBPD/CEBRAP/NEIP)

This chapter takes as its starting point the main assumptions and the decay of prohibitionism, a paradigm that defined a new role for the state in light of the drug use phenomenon. Experts and activists critical of the prohibitionist paradigm, known as the anti-prohibitionist field, must overcome some pitfalls that reproduce current misconceptions. From the debate about the different

models of marijuana regulation, the chapter presents some harmful consequences to be avoided, although the majority of them continue to be to maintain the prohibition. Under inspiration from Beau Kilmer work on the 10 "P's" for legalization, the chapter discusses crucial points for discussion of cannabis regulation model. Factors such as production, price, promotion, prevention and purity are shown in light of some Brazilian peculiarities. Finally, it discusses briefly the two major concrete models of marijuana legalization currently underway in USA and Uruguay and point out some of its strengths and its potential gaps.