

The Slaveholding Legacy in Public Security in Brazil

Aknaton Toczec Souza¹, Marcelo Bordin², Pablo Ornelas Rosa³

¹Post-Graduate Program in Social Policy and Human Rights, Catholic University of Pelotas, Pelotas, Brazil

²CEDEAUM—Centro Di Ricerca Euro Americano Sulle Politiche Costituzionali, Università del Salento, Lecce, Italy

³Post-Graduate Programs in Political Sociology and Public Security at Vila Velha University, Vila Velha, Brazil

Email: aknatontozcek@gmail.com, marcelobordin05@yahoo.com.br, pablolorosa13@gmail.com

How to cite this paper: Souza, A. T., Bordin, M., & Rosa, P. O. (2024). The Slaveholding Legacy in Public Security in Brazil. *Beijing Law Review*, 15, 1446-1470. <https://doi.org/10.4236/blr.2024.153085>

Received: July 5, 2024

Accepted: September 22, 2024

Published: September 25, 2024

Copyright © 2024 by author(s) and Scientific Research Publishing Inc.

This work is licensed under the Creative Commons Attribution-NonCommercial International License (CC BY-NC 4.0).

<http://creativecommons.org/licenses/by-nc/4.0/>



Open Access

Abstract

This article proposes a comprehensive reflection on the historical trajectory of thought regarding slavery in the Western context, aiming to elucidate its intricate relationship with the development of contemporary public security frameworks. The study begins with a detailed monographic analysis of the philosophical and legal discourses surrounding slavery, meticulously examining the inherent ambiguities and paradoxes that emerge from the institution of slavery as a lived experience. This section highlights how foundational thinkers and legal systems have grappled with the concept of slavery, revealing the complex and often contradictory justifications for its practice. In the second part, the article delves into the interconnectedness between slavery, security, crime, and violence, exploring how the institution of slavery necessitated and shaped specific forms of social control. This reflection underscores the role of slavery in establishing enduring mechanisms of surveillance, discipline, and punitive measures that have continued to influence modern notions of security and criminality. The final section seeks to trace the transformations, continuities, and divergences in the methods of social control exerted over enslaved populations, particularly in the context of the formation of the contemporary Brazilian state. By examining the legacies of colonial and post-colonial policies on current public security practices, the study aims to shed light on how historical patterns of domination and control have been adapted and sustained in Brazil's public security model. This includes an analysis of the ways in which racial prejudices and the stigmatization of black populations have persisted, influencing both legal frameworks and social attitudes towards crime and security.

Keywords

Public Security, Slaveholding, Hypermilitarization, Police, Human Rights

1. Introduction

When Zumbi arrives What will happen? Zumbi—Jorge Ben Jor

The exercise of power seems to be constitutive of social organization, observable from the Epic of Gilgamesh¹ to the most recent international human rights treaties, with legitimacy as the underlying issue (cf. Weber, 2010). Legitimacy, legality, natural law, human rights, and many other juridical/normative forms demonstrate the tension around the exercise of power, which, when confronted with experience and practice, gives rise to fruitful ambiguities. These may be inherent to the confrontation between norms and experience. Even in recent cases where normative fields guide and legitimize broad public policies (such as drug policy), profound paradoxes arise from human experience. This tension is evident in the classic question between theory and practice: what is the relationship/interaction between them? It is convenient to think of a fluid and mediated relationship, constantly changing and being reinterpreted according to the realities presented.

Such is the case with slavery. Sometimes it is seen as an unpleasant but necessary meal, other times as just and even altruistic, and in other instances, as the greatest of evils, the source of the worst corruption and sins. Curiously, it could even be justified by sin, as in Seneca's famous phrase: *punitur quia peccatum est*². The fact is that slavery is a complex and contradictory phenomenon that has long marked legal discussions and practices in various societies, especially Western ones³, and can be analyzed from multiple perspectives due to its sociotemporal depth and breadth.

Globalization has played a significant role in the militarization of contemporary societies (Rufanges, 2016). As borders become more fluid and economies more interconnected, states face new security challenges that often result in a greater reliance on military and security forces. Fernández et al. (2020) highlight that globalization not only facilitates global trade but also intensifies practices of exploitation and human trafficking, contributing to the need for control and repression. Hyper-militarization is a common response to these dynamics, reflecting an increase in the presence of armed forces in traditionally civilian roles and the adoption of military technologies for surveillance and social control. Global interconnectedness also allows for the rapid dissemination of authoritarian ideologies and practices, exacerbating militarization as a solution to complex public order problems. This trend is evident in the adoption of security policies that prioritize force and deterrence over more holistic and inclusive approaches.

¹The anonymous text of the Epic of Gilgamesh presents what seems to be the first text to introduce a natural law discussion, stressing the limits of legitimate power. Ricardo Rabinovich (2007) states that in the Epic of Gilgamesh, "one observes a true alliance between the subjects and the gods to curb the excesses of the kings" (free translation), a record from over 2500B.C., making it the oldest record of attempts to limit the sovereign's power.

²This formula, appropriated by criminal law, has a dual translation, namely, sin and crime, which were originally synonymous.

³This duality is particularly noteworthy in this analysis.

Thus, globalization, by creating new forms of interaction and interdependence, also promotes an environment where militarization is seen as a necessary response to maintain order and security, often at the expense of human rights and civil liberties.

Slavery, although often seen as a historical practice, continues to profoundly impact contemporary society. As noted by [Fernández et al. \(2020\)](#), modern slavery affects millions of people, highlighting the need to understand its causes and consequences to address the current dynamics of public security and social control.

What interests us here is slavery as a space of sociability, a specific social interaction characterized by its power relationship and subjugation of the other (cf. [Simmel, 1983](#)). Specifically, we are interested in the perceptions of this interaction and the formulation of notions and concepts in the juridical/normative field that are important for public security.

In general terms, this article aims to identify notions of danger and order, their meanings, and reinterpretations in the consolidation of Brazilian public security in contemporary forms through the history of thought on slavery in the West and slavery as a social space. We understand that the notions of danger and order⁴ (cf. [Douglas, 1966](#)) are the pillars on which the main motives for the institutionalization of public security rest. Public security encompasses a range of state institutions aiming to maintain order through various public policies, generally through legitimate violence operationalized by the Criminal Justice System.

Concerned with analyzing the history of thought on slavery in the West and its interactions with other fields of knowledge, this article will utilize concepts and notions from the social sciences as they are fundamental for understanding the actions and discourses about slavery. Therefore, our focus is more on our object than on any specific theory, which will only be used as required by the object itself ([Becker, 2007](#)). The necessary and ongoing dialogue between social sciences and history will always be present, initially in specific discussions about the history of slavery in Western thought. At this point, we will address some issues regarding the dilemma of slavery throughout history, with particular emphasis on slavery in America, examining the debates on the legitimacy/illegitimacy of slavery and the persistent ambiguities and paradoxes of these thoughts.

Analyzing more specifically the thoughts on slavery that allowed it to be considered just in certain measures and situations, we will examine the early associations of black populations with social dangerousness and the issue of public security in America. Here, we will seek to demonstrate that with the “decline”⁵ of

⁴In contemporary Brazilian legal practice, particularly by magistrates, preventive detention is often justified. This type of detention occurs before the subject has been convicted of any crime. In these situations, it is necessary to justify the need for detention, and the most frequent reason cited is: Danger to public order.

⁵The quotation marks are justified because the 19th century marked the end of slavery in America; however, it was one of its most intense periods.

slavery during the 19th century, the notion of a dangerous population began to emerge. Concurrently, with the onset of the Brazilian Republic, black populations became increasingly associated with danger to public order, thereby resignifying and attributing stigmas and prejudices within the knowledge systems utilized by “public security.”

In the final chapter, we intend to analyze the importance of police power and justice in shaping the contemporary Brazilian State and the Criminal Justice System as the primary agents responsible for the implementation of policies, control, repression, and maintenance of social order. This analysis will highlight the echoes of slavery discussions within this new complex system of institutions, whose principal interest is the maintenance of order and control over populations. This work is a posthumous tribute to our dear professor Pedro Bodê.

2. The Justice of Slavery

In Brazil, it is often said that for the slave, three things are necessary: bread, stick, and cloth⁶ (Antoni, 1837).

The relationship between slavery and Western institutions has always been marked by deep contradictions, particularly concerning black slavery in the Americas due to its vastness and intensity. These contradictions expand their diversity, leading to poorly clarified issues that persist to this day. The legacies of slavery resonate, revealing their complex nature, which marks not only the skin, bodies, and lived experiences but also Western thought, sociability, law, and the institutions that constitute the State. Among many dilemmas, we will highlight, on one hand, the symbolic aspects identified in Western thought about slavery; on the other hand, the interactive⁷ aspect of slavery, considering it as social spaces that manage meanings according to the dynamics presented by the social space itself. This plurality makes it impossible to present its minutiae without extensive historical research. Therefore, in this case, we will be more interested in the general rules of interaction and the management of norms according to the presented social reality, suggesting a dynamic and amorphous relationship between practices, meanings, and notions developed about slavery.

The work of American historian Davis Brion Davis (2001) offers a lengthy analysis of the thought on slavery in Western culture, situated in the 1960s, an intellectual environment marked by existentialism and phenomenology, highlighting the paradoxes and ambiguities of slavery, especially in America. This region, identified as the “nipple” of the earth, closer to the sky than to the earth, was envisioned as the Garden of Eden, the setting for Thomas More’s book *Utopia*. America represented a new chance for an old continent, a new world, yet already inhabited. Descriptions of the indigenous populations were rich in praise

⁶In the original, there is a play on the letter P, which we had to adapt for translation: “*No Brasil costumam, dizer, que para o escravo são necessários três P. P. a saber, pão, pau, e pano*”.

⁷As we will see, this is also symbolic in that meanings are given by social interaction, and this interaction is shaped by already attributed meanings.

for a gentle people whose land boasted generous vegetation and delicious fruits⁸. However, not even the goodwill encountered by European navigators was sufficient to prevent taking some as slaves to Europe (Souza Filho, 2008).

Some Catholic missionaries, dedicated to asceticism and renunciation, saw in the indigenous people a way of life resembling that of the early Christians. Nevertheless, there were those who “described the Indians as inferior degenerates or children of Satan, presenting an opposite image of America as an unhealthy desert” (Davis, 2001: p. 21). This view carried symbolic weight, as the desert was seen as a place of refuge, purification, suffering, and perseverance, yet also “a place of extraordinary temptation, obligation, and promise” (Davis, 2001: p. 22).

This new world, increasingly depicted as a symbol of nature and free from the sins of Europe, was seen by colonizers as a land to satisfy their problems and desires, where they could create a new Eden, similar to Adam. How, then, could this new paradise coexist with slavery, especially when in the old continent this institution was in decline or its practices were being redefined? Slavery was re-invented alongside the “invention of America,” for at that moment, at the end of the 15th century, Portugal already had a prosperous slave trade, although nothing compared to the dynamics and intensity presented in the following centuries, which ultimately gave new meaning, a new format, and especially a new role to slavery. It must be remembered that for three and a half centuries the main maritime powers competed in the slave market, bringing more than 10 million Africans to the New World, almost half of whom were sent to Brazil (Mariuzzo, 2011).

The economic importance of black slavery to the new colonies was a central point in the debates about slavery, and often its significance in the global development of America has been obscured by historical research. Even after the independence of the United States of America, which already had a more diversified economy, its main export product was cotton “harvested by black hands⁹,” which was the primary raw material for the industrial revolution. D. B. Davis (2001: pp. 25-26) provides an overview of the significance of black slavery in the colonization and development process of the colonies in the American continent:

Without exaggerating the significance of black slavery, we can safely con-

⁸In one of the letters from Pero Vaz de Caminha, he states: “And the captain sent Nicolau Coelho in the boat to that river. As soon as he began to go there, men started appearing on the beach, sometimes two, sometimes three, so that when the boat reached the mouth of the river, there were 18 or 20 men, all brown and naked, with nothing covering their private parts. They were carrying bows and arrows in their hands. They all came briskly to the boat, and Nicolau Coelho signaled for them to put down their bows, and they did. In the days that followed, the contacts became more intense and friendly. The scribe was impressed by the cleanliness, beauty, and health of the indigenous people, concluding that they had no houses, dwellings, or spiritual or political leaders: ‘It seems to me that they are such innocent people that if they could understand us and we them, they would quickly become Christians because they have no belief or understanding of any kind, as it seems. (...) These people are good and of good simplicity and any impression we wish to give them will be easily imprinted’” (Caminha, apud Souza Filho, 2008: p. 28).

⁹A reference to the song “Zumbi” by Jorge Ben Jor.

clude that it played a central role in the early development of the New World and the growth of commercial capitalism. Given the lack of an alternative labor supply, it is difficult to see how European nations could have colonized America and exploited its resources without the help of African slaves. However, slavery was always more than an economic institution; in Western culture, it represented the ultimate limit of dehumanization in the treatment and consideration of humans as objects.

The playful and hopeful descriptions of the New World, where the kingdom of heaven could be reconstructed on earth, coexisted without much trouble with a place of cruel exploitation and disregard for fundamental human bonds. In the newly created and emancipated nation, whose constitution was marked as the first liberal constitution, defining rights considered natural to human beings; or in the Virginia Declaration of Rights, made in the same year as the United States' independence, whose articles¹⁰ sounded like the imposition of a new world free from European miseries, kings, and absolute arbitrariness, both normative and political provisions coexisted before, during, and after their realization with slavery in its most intense and cruel form. The fact that the political and normative devices of the time, which proclaimed individual freedoms, did not reach everyone, is not exclusive to America, as “the legal and moral validity of slavery was a problematic issue in European thought from the time of Aristotle to Locke” (Davis, 2001: p. 28).

Despite the historical persistence of slavery and the inherent contradiction of treating a human being as a transferable possession without autonomy or will, the underlying violence of this institution, its inherent danger to the State, and the demand for absolute control arising from the fear of the mass of slaves socially represented as vile, it was not common for declarations to claim that slavery was an intolerable evil that needed to be eradicated, nor were there signs of sympathy for the victims of this system (Davis, 2001). “From the earliest times, slavery was taken as a model for certain religious, philosophical, and political dualisms, and was thus implicitly related to some of the greatest problems in the history of human thought” (Davis, 2001: p. 82). For this reason, slavery can never be seen as an isolated issue, simply considered as a public policy. Any discussion about slavery reverberated across a vast range of Western cultural knowledge, as slavery was present in sacred scriptures¹¹, the works of philoso-

¹⁰The first article of this declaration ironically establishes: “All men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety” (“Biblioteca Virtual de Direitos Humanos da USP—Declaração de direitos do bom povo de Virgínia—1776[Documentos anteriores à criação da Sociedade das Nações (até 1919)”, [s.d.]).

¹¹The origin of slavery in the Bible traces back to Noah when he cursed his son Canaan, condemning him and his descendants to be slaves to his brothers (Davis, 2001). It is worth noting that there is no ethnic aspect in the origin of biblical slavery. Although in other passages, such as that of Moses, the enslavement of one people by another is observed, the slavery of the Jewish people is considered unjust due to divine favoritism and thus suffers divine punishments.

phers¹², legal bodies, theologians, and others. The fact is that the plurality of knowledge developed over history about slavery contributed to its justification and maintenance.

The Enlightenment, for example, although it brought a strong liberal trait and opposed the *ancien régime*, still collaborated with the creation of the most extensive, violent, and systematic punishment system through imprisonment (Anitua, 2008; Foucault, 1999a). And regarding slavery, it maintained an ambiguous view. Voltaire, for example, was a critic of torture and punishment, as well as of slavery, yet he was involved in the slave trade, driven by his obsession with becoming wealthy to ensure his “freedom” (Moraes, 2003: p. 93). Rousseau strictly adhered to his contractual view of society, admitting that those who broke the supposed social contract should be treated as enemies. Montesquieu, a critic of servile slavery based on differences in belief and custom, nonetheless admitted the slavery of black people, as he did not consider them human (cf. Moraes, 2003).

Aristotle’s notion of natural slavery fueled legal and theological discussions. The Catholic Church and some of its scholars identified sin in slavery, such that it represented part of the punishment for humanity’s fall from paradise. This brought the debate between the physical and spiritual realms to sustain permanent contradictions. Thus, physical slavery would not be an impediment to the spiritual realm, and it was even argued that a physical slave could be freer than their master. However, Saint Augustine agreed that good men were free and bad men were slaves, regardless of their social positions. The association of slavery with sexual perversion was also present.

For Augustine, slavery was both a remedy and a penalty for sin. Although all beings were born free, receiving dominion only over animals, servitude was seen as the inevitable way to curb the excesses of ignoble desires. “Therefore, all slaves deserved to be slaves, and their only consolation probably lay in the thought that if they served with faithful affection, they might at least make their servitude, in a certain sense, free” (Davis, 2001: p. 107). The true slave would be the sinner, or one enslaved by his sins. However, the meaning and practices of slavery changed significantly over time, to the point that, at some point, slavery itself was considered a sin.

The pattern of slavery was the subject of debate in the 19th century. On one side, abolitionists strove to present a unified view of slavery as the total subjugation of one race by another; on the other side, pro-slavery advocates argued that

¹²The process of apprehension and interpretation of classical philosophy by the West is selective. Concepts are managed but never in isolation. They are subject to the strategies, values, and peculiar interests of the social space being analyzed. Plato and Aristotle are examples of this apprehension. “It is often asserted that Plato was, in reality, an opponent of slavery. However, there is not the slightest evidence that he found human servitude contrary to the highest virtue or intended to exclude it from his ideal Republic. It is true that he wanted to end the enslavement of Hellenes, but he accepted the servitude of foreigners as a given” (Davis, 2001: p. 85). Aristotle, who had immense influence on medieval scholasticism, identified the notion of the natural slave and stated: “From the hour of their birth, some are marked out for subjection, others for rule” (Davis, 2001: p. 89).

black slavery was no different from other forms of servitude that had existed or would still exist in Europe. In the 20th century, Frank Tannenbaum, an American sociologist who made fundamental contributions to symbolic interactionism theories, supported the abolitionists' position in one of his studies. He argued that slavery in English America was different from other past forms of slavery and even from slavery in Latin America. He stated that North American slavery was more intense because it was not mitigated; ethnic segregation was more intense, and mobility and manumission were reduced, unlike in Latin America, where slavery retained traditional European characteristics. In the Brazilian case, the issues related to patriarchy, the more significant role for enslaved blacks, a hierarchical role within groups of slaves, and administrative, domestic, and even policing roles in some cases, were noted¹³.

It would be absurd to consider the longevity and persistence of slavery in human history without acknowledging its plurality of forms. Even regarding the name, legal status, and rights concerning their owners, despite the plurality of forms found throughout history, what unifies all these categories of slavery are three characteristics¹⁴ (Davis, 2001): the first is the concept of a person being the property of another person, a situation with a high degree of diversity given the

¹³Carlos Lima points to the process of dual subordination characteristic of slavery in Brazil, where miscegenation was more common and accepted, creating another hierarchy among the enslaved, besides the one that separated slaves from the rest of society. This relationship, stemming from the patriarchal characteristics of Brazilian slavery, established a hierarchy of activities for the enslaved population. This division of labor included specific benefits, access, and assignments for each activity, a situation described in various works and embedded in popular culture, as in the verses immortalized by Caetano Veloso in the song "Triste Bahia": "I was born in Bahia, from a maid [mucamba] and an overseer [feitor], my father slept in bed, my mother on the floor." Carlos Lima asserts that "It is unnecessary to reiterate that attitudes toward slaves were of brutal subjugation and extreme hierarchy. However, this could take more than one form, as in some slave societies, institutions integrating these slaves were established, subordinating them not only in the realm of social life as a whole but also internally to those institutions. The dual subjection inherent in the apparent sweetness of being faithful to the same Catholic religion, for example, had a significant relationship with a perception of human beings that stemmed from the 'unity in diversity,' of a single humanity internally hierarchized but linked in relationships of personal dependence" (Lima, 2015: p. 341). Furthermore, in Brazil, where racial miscegenation was more tolerated and prejudice varied according to skin tone, black and mulatto mothers considered themselves blessed for having children with lighter skin (Davis, 2001), a sentiment Carlos Lima (2000) also points out. Maria Helena Machado describes various conflicts—some violent—resulting from this hierarchy among the enslaved. For instance, the selection of a slave as an overseer and the subsequent physical punishments and chastisements of other slaves caused indignation and revolt, sometimes leading to violence and homicide (Machado, 2014).

¹⁴Among other interesting concepts, it is worth highlighting Max Weber's notion of domination: "Domination shall be defined as the probability that a command with a given specific content will be obeyed by a given group of persons" (Weber, 2010: p. 102). Reflecting on Max Weber's notion of domination, Patterson (2008: pp. 19-20) asserts that "slavery is one of the most extreme forms of domination, touching the limits of total power from the master's perspective and total powerlessness from the slave's perspective." Despite the vast power disparity between the master and the slave, the notion of "total powerlessness" seems inadequate, as it prevents us from appreciating the richness of these interactions. Slaves, even with the burden of their institution, created and articulated through complex strategies unique forms of resistance, survival, and recognition within this social space. Maria Helena Machado (2014: p. 67) cites a petition proposed to Senhor Manuel da Silva Ferreira by his slaves that illustrates this issue well: "We do not want the current overseers; elect others with our approval."

legal plurality found in ancient times, the Roman period, and even the late Middle Ages, is crucial.

The forms, characteristics, capacities, rights, and social relationships with the “property” are just a few of the countless variations of this characteristic. The second characteristic is that the slave’s will is subject to the authority of their owner, meaning the desire of the slave would be the desire of their master. This characteristic is common in patriarchal societies¹⁵, extending this condition to other free subjects, such as women and children. However, the notion of the slave being alienated from their desires and wills had a strong influence on the forms of social control used throughout history. In some cases, slaves were not allowed to carry money, buy, conduct business, marry, have children, or practice religious rites. The moral barrier we establish to the other and their position of speech is the target of a symbolic struggle inherent to the process of social interaction, a condition present throughout the 20th century and, at the beginning of the 21st century, still seems far from disappearing¹⁶. Finally, the third characteristic is that their labor or services are obtained through coercion.

There is no doubt that coercion and various forms of violence were permanent strategies, not always physical but always present, to the extent that in some cases, there was internalization of domination¹⁷, acceptance, and even commitment to the order, with some even assuming the position of overseer, leading to deadly conflicts (Machado, 2014). Orlando Patterson¹⁸ presents other characteristics of slavery that, to some extent, converge with those already mentioned, including the symbolic aspects of obedience to a notion of legitimate power.

Although slavery in America was the most violent and extensive, with partic-

¹⁵In some definitions, it is required that the slave be outside the familial relationship for it to be considered slavery, as these characteristics are very frequent in patriarchal relationships (Davis, 2001: p. 49).

¹⁶There are frequent contemporary examples of the moral frontier and distinction created in daily practices. If we consider the phenomenon of “rolezinhos” in shopping malls (cf. Caldeira, 2014; Moraes, 2014; Pinheiro-Machado & Scalco, 2014) and the social representation regarding the place these young people should occupy in the city; or the numerous cases of lynchings in Brazil (cf. Martins, 2015) and the United States—especially before 1964 with the achievements of the American civil rights, which did not eliminate the issue—such as the famous case of young Emmett Louis Till, who was murdered for flirting with a white girl in 1955 (Duvernay, 2016). Returning to the 19th century in Brazil, there were prohibitions against capoeira and other common practices among Brazilian blacks, including the prohibition of marijuana use (Barros & Peres, 2011; Macrae & Simões, 2003; Saad, 2013). Additionally, it is worth consulting the book “Vida Sob Cerco” by Professor Luiz Antônio Machado da Silva (2008) to understand the moral barriers imposed on the peripheral communities of Rio de Janeiro.

¹⁷A socialization of the dominated, meaning the obedient, those already disciplined to an automatic and schematic response to an order (Weber, 2010), can be seen in the context of submission and internalization of domination. This is poignantly illustrated by Winston’s fate in George Orwell’s “1984”: “But it was all right, everything was all right, the struggle was finished. He had won the victory over himself. He loved Big Brother” (Orwell, 2009).

¹⁸“The relationship of power has three facets. The first is social and involves the use or threat of violence in controlling one person by another. The second is psychological and pertains to influence, the ability to persuade another person to change the way they conceive their interests and circumstances. The third is the cultural facet of authority, ‘the means of transforming force into right, and obedience into duty,’ which, according to Jean-Jacques Rousseau, the powerful consider necessary ‘to secure their permanent domination’” (Patterson, 2008: p. 20).

ular ethnic characteristics, there was much continuity with ancient slavery, more than previously supposed. Especially considering that slavery remained viable in Europe and its surroundings until the 15th century. Spain, the Islamic world, the Byzantine Empire, Russia, and even the long-lasting Ottoman Empire retained slavery, and:

Despite the significant historical diversities in matters such as employment, manumission, and differentiation between slaves and other classes, the various ways of defining and regulating the institution of slavery have always demonstrated that it provoked fundamental problems rooted in the simple fact that the slave was a human being (Davis, 2001: p. 49).

The legal characteristics of slavery have changed very little throughout history, and almost always, the laws concerning slavery came after the institution had already been established. The normative aspect interacts peculiarly with reality; while it is easy to see its limited influence on reality, it cannot be said that it has no influence at all. The notion of agency¹⁹ seems suitable for understanding this dynamic, especially in an analysis that considers social interaction as its object. This perspective allows for reflection on the subjective aspects of the realization of the norm—how the meaning of the norm, its interpretation, comprehension, and eventual application are established in a process of symbolic interaction that, however, involves more than just the subjects; it also includes the normative device.

We call the specific relationship between the subject and the norm, and its use within the process of social interaction, agency. A normative device can influence reality to the extent that agents interpret the norm, give it meaning, and through this interpretation, give meaning to their actions. The struggle for the correct meaning, for the true description, and for the truth is marked by a political economy²⁰; thus, it cannot be expected that specific legislation would change the actual status of slaves. It was Roman law that provided some organization in

¹⁹Among the various theoretical perspectives that utilize the notion of the agent, we highlight Pierre Bourdieu (cf. Bourdieu, 2011) for his constructivist structuralism theory, which seeks to reconcile the divide between the subjective and objective aspects of social actions. Thus, “he follows the tradition of Saussure and Lévi-Strauss by accepting the existence of objective structures, independent of the consciousness and will of agents. But he differs from them by arguing that such structures are the product of a social genesis of schemes of perception, thought, and action. That structures, representations, and practices continuously constitute and are constituted” (Thiry-Cherques, 2006: p. 28).

²⁰Various authors from different traditions have addressed this issue. We would like to highlight Howard Becker (2009) in his study on deviance, which is strongly influenced by symbolic interactionism. He asserts that there is a struggle marked by a political economy in the ability to classify others as marginal. Similarly, but in another tradition, Michel Foucault, in discussing biopolitics and the relationship between power/knowledge, states: “The important thing, I believe, is that truth does not exist outside power or without power (...). Truth is of this world; it is produced in it through multiple constraints and it produces regulated effects of power in it. Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse it harbors and causes to function as true; the mechanisms and instances that enable one to distinguish true from false statements, the way in which one sanctions them; the techniques and procedures that are valued for obtaining truth; the status of those who are charged with saying what counts as true” (Foucault, 2013: p. 10).

its codes, which were recombined over centuries in various legal systems²¹. The Roman legal system granted rights to both masters and slaves. Slaves could not make wills, file formal criminal accusations, or testify, yet the law established that masters could not ignore the human limits of slaves (Davis, 2001). Therefore, at that moment, the slave was openly recognized as a person, a human being, but their legal status reduced their capacities, treating them in some cases as things.

The legal statutes and practices, and their classifications, sometimes confused and mixed the meanings of servitude and slavery, lacking precise differentiation. Sometimes they coexisted, and other times slavery was synonymous with servitude and vice versa. With black slavery in America, the meaning of a slave became tied to blackness, with the term “negro” sometimes used to designate a slave. For example, in Russia, Catherine the Great referred to the serfdom peasantry as slaves rather than serfs. The villains (*villanus*), who made up most of the English population in the 11th century, came to connote a status of complete lack of freedom, easily confused with slavery. However, in France, a *vilain* was a free citizen (Davis, 2001: p. 57).

During the 15th and 16th centuries, feudal services gradually gave way to rents and free contracts, rendering villeinage economically obsolete. However, the legal principle of slavery remained valid as a tool of social control, marking vagrants who fled forced labor as slaves for life (Davis, 2001). The number of slaves in Europe declined in the 17th century, but as late as 1785, they were still imported to Portugal for mining work. It was only in 1836 that Spain prohibited the entry of slaves, and it was not until 1869 that slavery was abolished in the Portuguese metropolis (Davis, 2001: p. 62).

From the 18th century onwards, discussions about American slavery began to gain more prominence. In 1770, Abbot Raynal and his collaborators published the first edition of “Histoire des deux Indes,” noting that the discovery and colonization of America had profoundly influenced the history of the world and all aspects of European civilization. For Abbot Raynal, the New World was marked from the beginning by cruelty, slaughter, and despotic slavery, making America an unlimited field for human exploitation. However, even Raynal recognized that without slave labor, the lands would remain uncultivated, suggesting that slavery was inherent to America, the dark side of dualism. During the same period that Abbot Raynal was presenting his criticisms, black slavery was extending across most provinces in America, showing a flourishing economy without restrictions (Davis, 2001).

A few years after Raynal’s work, with slavery already abolished in Canada, Haiti, Mexico, the British West Indies, and the northern United States, but still flourishing in Brazil and the southern United States, Henri Wallon published his book “Histoire de l’esclavage dans l’antiquité.” He located slavery as one of the

²¹The Afonsine, Manueline, and Philippine ordinances of Portugal were strongly influenced by Roman law, which had already hybridized with Germanic law by the 13th century.

factors responsible for the decline of Greek city-states and Rome, understanding that the slavery accompanying colonization in America represented a sharp deviation from the normal development of humanity and not just violence against the spirit of the gospel.

Auguste Comte also tried to understand and provide a scientific explanation for slavery. Some of his conclusions were similar to Wallon's, but for Comte, slavery fulfilled an indispensable function in the progress of civilization, replacing practices such as cannibalism and human sacrifice. Comte also highlighted the disciplinary nature and long-term preparation for work resulting from human servitude (Davis, 2001). Comte's perspective is particularly relevant given his influence on the social sciences and presents one of the most pernicious aspects in the history of thought in the social and human sciences²². This epistemology is clearly marked by ethnocentrism, whose most evident effect is seen in two biases that the human sciences strive to problematize: on one hand, evolutionism, and on the other, historical linearity.

The criterion of historical linearity, which works in conjunction with the notion of evolutionism, suggests history as a single path, where the pinnacle is represented by some specific nation or ethnicity. It would not be surprising for the analyst to place themselves as the reference point, being the pinnacle or at least the most advanced point in the civilizational journey. This notion permeates and collaborates with evolutionist thought, which had a significant influence on public security and the study of crime from the late 19th century, particularly after 1856 with the publication of Charles Darwin's "On the Origin of Species." On the other hand, to some extent, it has always been fundamental in justifying and defending slavery. Comte's position could obviously justify the servitude of peoples identified as primitive, a kind of natural slaves or serfs, whose servitude would have an important civilizing function, "almost a gift from their more evolved brothers"²³.

It is important to highlight that the notion of natural slaves was extensively developed in Aristotle's theory, and inspired by these theories, many slavery theorists relied on them to understand the phenomenon and thus guide their practice. Consequently, a strong theoretical and moral foundation for slavery was developed during much of the Middle Ages, particularly in the works of Saint Thomas Aquinas, who was grounded in Aristotelian thought and the no-

²²We will not delve into a detailed reading of Auguste Comte's thought here. The reflections made here are based only on excerpts already presented in "The Problem of Slavery in Western Culture" by David Brion Davis, in addition to specialized biographies.

²³As an example of the influence of this thought in the 20th century, it is worth mentioning José Rodrigues da Costa Dória at a congress in Washington D.C. in 1915: "The black race, wild and ignorant, resistant but intemperate, if under certain circumstances rendered great services to the whites, their more advanced brothers in civilization, providing them, through their physical labor, with wealth and comforts, ruining the robust organism in the vice of smoking the marvelous herb, which, in fantastic ecstasies, would perhaps make them revisit the burning sands and endless deserts of their adored and longed-for homeland, also inoculated the evil in those who took them away from their beloved land, stole their precious freedom, and drained their reconstructive sap" (Dória, 1958: p. 13).

tion of natural slavery, meaning determined by the nature of the subject.

This type of argument is characteristic of the emergence of the contemporary public security apparatus and the study of crime. Concepts such as the “born criminal,” which were widely disseminated in crime studies between the 19th and 20th centuries and are currently prevalent in common perceptions of criminality and among the common sense of operators and institutions that comprise public security, are almost always associated with ethnicities, groups, and populations. On one hand, this thinking highlights certain groups as less evolved and therefore targets of the benevolence of Europeans interested in doing the sacred work of the Lord and bringing at least civilization to these poor souls. On the other hand, the idea of primitives and inferiors suggests a potential danger and a need for physical control.

Black slavery exhibits these characteristics, and it was common for pro-slavery arguments to tout its advantages for both races; arguments about the quality of life and work of slaves being superior to that of free workers in Europe or the northern United States; in Brazil, the patriarchal aspect was presented as a symbiotic relationship between the big house and the slave quarters, almost a familial environment. However, the idea of slaves as an imminent danger to whites was also recurrent—the same inferiority that endowed them with docility and strength for work could also make them unpredictable and susceptible to instincts, lust, idleness, and other undesirable behaviors. Therefore, physical and symbolic violence was the principal form of control, necessitating constant vigilance and punishment for the slightest infraction to ensure order and obedience (Davis, 2001).

The way black slavery occurred in America promoted an abysmal distinction between free men and slaves, especially in the southern United States. The interactions between slaves and free men bring all the complexity related to particular social aspects, but even if it is not possible to universalize the characteristics of interactions, it can be safely said that the slave always enjoyed an inferior status. Although slavery in ancient societies did not have the relationship of skin color and other racial characteristics as determinants of this inferior status, it was about establishing a criterion of identification²⁴. The legal concepts developed by the ancient Greeks and later by the Romans brought a classification with greater legal precision, considering slaves as “property with a soul” (Davis, 2001: p. 67), allowing greater participation of the slave in family life.

²⁴According to Davis's (2001: pp. 66-67) analysis, “there is no doubt that the original purpose of these labels was identification and prevention against escape. Some slaves simply had their heads shaved or wore an identification tag made of clay or metal, which could be broken when they were freed. But permanent stigmas or tattoos were also common in Egypt, the Neo-Babylonian Empire, Roman Sicily, and even in 15th-century Tuscany. Since ancient times, these skin marks became indelible signs of a servile status and suggested a character deformation deserving of contempt. The Chinese, for example, used mutilation and tattooing to distinguish their slaves as a vile and ignoble class, and subsequently, people came to regard dark skin as a stigma from God or nature imprinted on an inferior people.” It is possible to consider the process of physical and symbolic distinction and segregation of slaves as a form of social control that meets the specific demands of the analyzed social space. However, the depreciative character of this relationship is a critical point.

With the development of slavery in the Iberian Peninsula, the terms *sarrecenus* and *captivus* were gradually replaced by more neutral terms like *servus*, being the most common expressions for slaves in the 13th century. The term “slave” only gained acceptance and common use in Portugal in the 15th century when blacks began to occupy the lowest servile strata (Davis, 2001). The subtle replacement of *servus* with *sclavus* and *esclave*—meaning foreign origin—allowed the association between slave and black, establishing more intense differentiation processes.

Given the broad variation in the pattern of slavery throughout history, the criterion of manumission seems to be a good criterion for assessing the severity of the slave system. Access to freedom is an important criterion for reflecting on the pattern of slavery, although it is not possible to directly relate the amount of emancipation to the general condition of slaves. In places where slavery was perpetual, or worse, hereditary, and where there were no mechanisms to ascend to the status of free, it was usually also where the processes of distinction, segregation, and violence were more common devices.

In places where the status of a slave could be given to anyone due to financial misfortune with a status linked to an economic/legal relationship that could be remedied, there was no defined line of distinction between slaves as an inferior caste. However, it was common in slave societies to have a nearly uniform rigor in the treatment of slaves who sought freedom on their own, i.e., those who fled. In various places, severe mechanisms and legislations were created for the punishment of fugitives and those who might shelter them. However, this, tied to the notion of slavery linked to blackness, made all blacks immediately suspect.

Those who were captured had to be tortured and disciplined according to their master’s will. It was only from the 18th century that greater concern for the life and well-being of slaves emerged. Davis (2001: p. 75) states that:

Certainly until the 18th century, it was not a crime in South Carolina for an owner to kill or mutilate their slave in the usual course of punishment. Until 1788, Virginia’s laws acknowledged that since no master would destroy part of their property with premeditated malice, the death of a slave was not felony. In 1740, South Carolina regulated that a man who premeditatedly killed his own slave or someone else’s should pay a fine of seven hundred pounds; the amount was halved if he killed a slave in the sudden heat of passion. However, the 1798 constitution of Georgia placed the death or mutilation of a slave on the same level of criminality as the death or mutilation of a white man.

Clearly, legal provisions did not significantly alter the reality of slaves, since slavery inherently conferred a status of inferiority, and it is associated with power. In other words, regardless of the arguments used to justify inferiority²⁵, it is always about power. Power in its simplest form—the possibility of speech, of

²⁵Biological, moral, religious, ethnic, cultural, etc.

being heard, and the recognition of the other. Therefore, even if legislation evolved to incorporate minimal criteria of humanity in treatment, one could ask, who would prosecute, testify, and participate in a process in favor of the slave against their master? Certainly, there were few and exemplary cases. Davis (2001: p. 75) states that few Southern Americans suffered penalties, “since jurors were reluctant to convict masters, frequently the only witnesses to these crimes were slaves who were barred from testifying against white men.”

The inferiority of slaves—of blacks who came to be directly associated with slavery—concerning power, especially the power of speech and recognition, is profound. How could someone who could not express their own will, except that of their master, testify and prosecute their master? In some cases, the law itself denied them the right to file complaints on their own, only through their master, and prohibited them from filing complaints against their master (Machado, 2014: p. 77). The few cases observed in Maria Helena Machado’s research resulted in acquittal. It is impossible not to associate this with the situation experienced by peripheral communities in Brazil, where their inferiority in access to power silences them and hinders their access to justice (Machado da Silva, 2008).

3. A Miscellany of Fears

And since blacks are, incomparably, more adept at all kinds of evils than whites, they live with less time for study and come out as great experts in the vice of the idle class. (Benci, 1977: p. 178)

The inherent contradictions in slavery appear even where there seems to be a convergence in its historical patterns. Throughout history, slavery has shared a depreciative aspect of the slave, associated with inferiority, dependence, and submission to the master²⁶. This could be associated with moral or biological inferiority, understood as a natural slave—someone who lacked the moral and intellectual freedom to make decisions, as Aristotle pointed out, maintaining a significant distance between the master and the slave, with the master never engaging in friendly conversation with their slave (Davis, 2001: p. 89). Sometimes seen as a remedy and penalty for sin, it always represented a depreciative status, perhaps inherent to the institution of slavery, whose dynamics require violence as the main source of social control. Organized and rationalized violence needs mechanisms to make it tolerable and accepted, only possible when it is directed at others whose humanity is stripped from them²⁷.

The representation of black slaves as inferior, now linked to skin color, al-

²⁶For this same reason, slavery was related to discipline, forming the basis for a standard of authority and hierarchy, which could signify deep devotion. Thus, terms like “slaves of Christ” and “slaves of Jehovah” were used (Davis, 2001: p. 109).

²⁷The anthropologist Lévi-Strauss makes a reflection that is dear to our analysis: “Humanity ends at the borders of the tribe, the linguistic group, sometimes even the village; so much so that a great number of so-called primitive populations designate themselves by a name that means ‘men’ (or sometimes—let us say more discreetly—‘the good’, ‘the excellent’, ‘the perfect’), thereby implying that other tribes, groups, or villages do not share in human virtues—or even in human nature—but are, at most, composed of ‘bad’, ‘perverse’, ‘earth monkeys’, or ‘louse eggs’” (Levi-Strauss, 1980: p. 4).

lowed for various justifications, making it a useful strategy for social control. Similar to the notion of social vulnerability (cf. Souza, Rosa, & Camargo, 2015) today, the inferiority—sometimes moral, sometimes biological—suggested that whites, “their more evolved brothers,” were doing them a favor by removing them from their primitive state, offering civilization or God. This same inferiority made them suitable for work, obedience, and effort, while also rendering them suspicious.

This situation extended to blacks born free or manumitted, for although slavery was once considered a provisional status linked to economic issues, with black slavery, skin color became the binding element to the status of a slave²⁸. Thus, the inferiority that justified and legitimized slavery allowed for the categorization of all blacks, as the condition of slavery began to use color as a criterion. This enabled the identification of the black population in America within this ambiguous status, where their inferiority justified slavery, control, violence, and dominance. However, it also organized white fears by identifying blacks as brutish, savage, lascivious, aggressive, treacherous, and untrustworthy.

Basing slavery on skin color allowed for the categorization or suspicion of all blacks²⁹, as the stigma became the main trait (Becker, 2009) in the process of social interaction. In the absence of elements indicating how to interact face-to-face with someone, preconceived notions and prejudices quickly identify the most striking trait to guide behavior (Goffman, 2011). Another consequence of this logic is that slavery, as an ethnic status, implies that an ethnic group inherently possesses the conditions of inferiority to be natural servants, allowing stigma and control to pass hereditarily. The image of the lazy and indolent or lascivious and violent, emerging from an interaction based on rationalized, institutionalized, and atavistic ethnic prejudice.

Saint Thomas Aquinas, despite his contradictions, understood slavery as compatible with part of natural law, with a hierarchical pattern based on differences present even among angels (Davis, 2001). He also attributed a function to it, a useful and necessary means, albeit painful, to fulfill the purposes of nature. While locating slavery as a consequence of sin, he provided it with a rational structure, wherein sin was less significant, representing merely the need for subordination to a superior authority—a necessity that individuals had to accept, akin to old age and death. It was not for mere mortals to question or challenge divine wills, and if a mistake or injustice placed someone in a condition of slav-

²⁸“The blacks of the West Indies corresponded to Aristotle’s definition of the slave as the instrument of his master; they were treated like animals, as if the blackness of their skin was a mark of their misfortune; and if physical labor was the penalty for man’s rebellion against God, the most severe form of this punishment had been inflicted on Africans” (Davis, 2001: p. 203).

²⁹Even during times when the violence and control of slavery in America were more lenient, suspicion of blacks prevailed. There were cases where blacks were arrested on charges of theft for having money—with the master’s consent—or for trying to buy something at their master’s request (Machado, 2014). In contemporary analyses of the selectivity of violent social control measures—almost always linked to criminal justice—numerous studies demonstrate ethnicity as a determinant for selecting the clientele of violence (Becker, 2009; Souza, Matheus, & Rosa, 2015; Souza & Moraes, 2014; Wacquant, 2007, 2008).

ery, celestial reparation was certain (Davis, 2001).

Slavery as an inheritance was already present in the Bible, in the parable of Noah, fostering the idea of natural slavery, servants by divine law, accepted by human law, and confirmed by canon law. While Saint Thomas Aquinas fully accepted Aristotle's interpretation of the natural slave, his reflections allowed his disciples to accept the notion of inherent inferiority. For him, slavery was located in the body, and blending the Roman rule of *partus sequitur ventrem* with scholastic notions of form and substance, concluded that "slavery was a condition of the body, and since the mother provided the substance of the body, it was she who transmitted the condition of the slave" (Davis, 2001: p. 118). This ethnic condition of slavery allowed a new reconfiguration of the power dynamics of this institution, which in the 18th and 19th centuries showed its worst face.

However, given the immense variation in the pattern of slavery throughout history, this reflection must be approached with fluidity, as slavery patterns have always interacted. For instance, the condition of being an infidel could justify slavery. But the possibility of conversion and baptism introduced a new dynamic to slavery, a situation that theorists and slaveholders had to address. At this point, ethnicity overcame these old issues; what to do with Moorish slaves who accepted Christ? Would they form a Christian nation with the Iberians? Or what about baptized black slaves? With ethnicity as the standard for inferiority, the infidel was quickly considered by origin, "with this subtle change in definition (...), replacing the basis of slavery founded on religious difference with ethnic origin" (Davis, 2001: p. 123). This allowed for organizing a social control as violent as it was widespread, as common sense and prejudice are ready-made syntheses that facilitate social practices. Physical marks, mutilations, and tattoos were sometimes used to identify inferiors, but black skin allowed for a generalization and efficacy of the violence and segregation demanded by slavery in America. This does not mean that this was the reason for black slavery, but it was certainly one of its main pillars.

Slavery was seen as a necessary mechanism for the conquest of the New World, the tilling of new lands, the conquest of new territories, and would serve, for example, "as a remedy for all the economic and social ills of Canada" (Davis, 2001: p. 150). It did not succeed in Canada due to the difficulty of supply, as they could not compete with the richer regions of the south and Latin America. However, the policy for most colonies revolved around two views on slavery (Davis, 2001): the need for a continuous supply of Africans and the protection of owners to enjoy their property rights, as slavery was the path to individual wealth and the empire's greatness; and the need for control, as blacks compromised public safety, necessitating policies to limit their numbers, accessibility, and the development of social control mechanisms capable of disciplining the *mala raza* (Davis, 2001: p. 199).

These two contradictory views established a balance of profit and benefit from slavery, and it was only in the second half of the 18th century that the idea slowly

developed that slavery was incompatible with basic ideals, institutions, and the consolidation of nation-states³⁰. “A conflict between the colonizer’s desire for labor and their fear of the black slave was visible from the start” (Davis, 2001: p. 152). Thus, the black population had to be kept as small as possible, even though it was estimated in 1560 that the number of blacks in Hispaniola was fifteen times greater than that of Europeans. Even free blacks were seen as dangerous and prohibited from interacting with indigenous people for fear of uprising. Throughout the history of the colonization of America, governors frequently requested the reduction and control of the slave trade for fear that the situation would become uncontrollable³¹.

They were not entirely wrong, as there were many slave and indigenous revolts throughout the centuries in America, though not strong enough to abolish the institution. A good governor should encourage the arrival of white servants and artisans to balance the number of blacks, and over the centuries, the incentive for immigration and the development of public policies that segregated and excluded blacks from commercial and artisanal occupations.

The large number of slaves even impeded the immigration of European settlers due to the risk they posed to public safety. Consequently, even though blacks were deemed fundamental and necessary for the colonization of America, they came to be seen as an obstacle to forming a national project³². Furthermore, the image of the black person as arrogant and unworthy maintained the custom of treating them with violence for any minor act considered deviant.

Basically, arrogant and untrustworthy, the African would exploit the slightest weakness or tolerance from his master, and unless kept in due submission, he would rise in armed revolt. Excessive severity could also provoke insurrection, but only the constant fear of punishment would induce the slaves to work in the fields under the hot sun (Davis, 2001: p. 203).

The great issue often forgotten by philosophy and law is that slavery was not simply about treating a human being as property or as a semi-human instrument but about controlling human beings by force. Revolt, violence, and subversion

³⁰The more slaves there were, the greater the need for control. Thus, large slave owners could have veritable armies, a situation that was hostile to a state seeking to consolidate the exercise of legitimate violence. It is not for nothing, as we will see later, that among the various significant changes to slavery in the 18th and 19th centuries was the expansion and pressure for the judicialization of conflicts between masters and slaves. This situation alone demonstrates the contradiction of slavery, particularly the idea of the slave as a thing.

³¹In Mexico, the number of imported blacks was greater than that of white immigrants for more than a century, which helped supply the labor force that made the colony one of the richest in the world. But at the same time that blacks were exhausted in the mines and latifundia that sustained the mines, they also erupted in open revolts, starting in early 1537. In 1553, Luis de Velasco notified the king that the country would face disaster if the number of licenses to import slaves was not reduced” (Davis, 2001: p. 153). Situations like this were seen throughout the 17th, 18th, and 19th centuries in all of America.

³²The conflict between fear and greed, the contradiction between slavery and the sense of a national project, also brought glimpses of a moral dilemma regarding slavery. Davis (2001: p. 167) provides an example from a 1719 Massachusetts treaty where blacks were presented as an obstacle to white immigration. However, in the face of fear of blacks, some questioned: “Are we not guilty of the violence, treason, and killing that are daily used in this country to obtain them?”

were direct consequences of this institution. Knowing this, many masters developed strategies of rewards and light punishments (Machado, 2014). However, throughout the 19th century, there was an increase in violence against masters—and especially overseers—almost always related to the “abuse” of correction or punishment.

At the same time, the 19th century saw the rise of public justice as a mediator of conflicts between masters and slaves, contrasting with masters who developed strategies to prevent crimes, insubordination, and subversion of order³³. Faced with the insecurity of the master’s power to punish a possible offense, many slaves preferred to surrender to the police authorities rather than to the justice of the masters (Machado, 2014). However, the growth of the state and its institutions and the transition of police and judicial functions from private to public hands did not change the primary “clientele” until today: the black population.

Violence and physical control as instruments of social control aimed at promoting a permanent fear as a form of discipline lost their strength throughout the 19th century. However, new strategies, techniques, and knowledge emerged concurrently, replacing the control of populations deemed dangerous. Abandoned in many countries due to the difficulties and incompatibilities with the new dynamics of nation-states, and even in Brazil at the end of the 19th century, there were still free blacks, heirs of slavery, seen as eternal strangers³⁴, foreigners, incompatible with the sentiments and representations of the new states. In the United States, after the Civil War and the abolition of slavery, a new mechanism was quickly created to manage the now unwanted wandering population, explicitly using the criminal justice system³⁵ to maintain servitude for criminals, which fell upon the newly freed poor blacks. Additionally, in the 20th century, the infamous Jim Crow laws were responsible for black segregation in the United States until the 1960s.

In almost all places where black slavery occurred—and declined—laws were developed to control blacks, whether slaves or free, barring them from schools, professions, public office, and religious education. Imposing permanent submission to whites, they were prevented from speaking loudly or insolently, defending themselves, forming associations, or meeting in groups, with strict curfews and severe consequences for disrespect. It seems that young blacks gathering on

³³Among these were constant surveillance, incentives capable of substituting thefts, a system of informing among the slaves, and corporal punishment as the most common practice (Machado, 2014).

³⁴The study of crime and violence points to the notion of the enemy as a central element in the exercise of public security policies in Brazil. The enemy is the stranger, the immigrant, the outsider, the one who is outside the group, whose death brings no consequences (Agamben, 2010). Or even, death is desirable because only death brings more life and security (Foucault, 1999b). “The stranger would be the synthesis of ‘automatic, self-locomotive, and self-conductive dirt.’ That is why societies strive to classify, separate, confine, exile, or annihilate strangers. At certain moments in history, this work of ordering and purification becomes a conscious and intentional task” (Batista, 2003: p. 78).

³⁵The 13th Amendment to the U.S. Constitution imposes freedom for all Americans, except those who commit a crime. Cf. the documentary “13th” (Duvernay, 2016).

the street was already considered dangerous and prohibited centuries before Belchior sang about the evils of the Brazilian military dictatorship. Religious practices, customs, dance, art, and even the use of language were controlled.

In Brazil, the diffusion of fear of chaos and disorder has always served to trigger strategies of neutralization and planned disciplining of the impoverished masses. The order introduced by slavery in the socio-economic formation undergoes various upheavals with any threat of insurrection. The end of slavery and the establishment of the Republic (almost concomitant phenomena) never broke that order—neither from a socio-economic nor cultural perspective. Hence the successive waves of fear of black rebellion, the descent from the hills. These are necessary for the implementation of law and order policies. The black mass, slave or free, transforms into a gigantic Zumbi that haunts civilization; from quilombos to beach raids in Rio de Janeiro (Batista, 2003).

Even at the end of the 19th century, many saw slavery as a hindrance³⁶, but blacks were viewed as obstacles to order and national progress. Even among abolitionists of the period—who were not always motivated by noble and altruistic attitudes—there was a belief that freed people who refused to work and chose a life of begging and vagrancy should be severely punished (Azevedo, 1987).

The police and justice systems created during the Empire targeted mainly blacks (enslaved or not). “The ideology and judicial infrastructure of southern Brazil were set up to maintain a system of labor exploitation and public security preservation and to perpetuate power in the hands of a predominantly white caste” (Davis, 2001: p. 271). With a structure that forced blacks to shape their behavior according to the actions and expectations of whites, based on the notion of sin and the inferiority of natural slaves, the justification of violence and physical control as the only language, the sustenance of blacks. This situation changed in the 20th century, where social control and oppression were justified by scientific discourse (Batista, 2003).

4. The Bush Captaincy—Conclusion

“The words of a black person are, at best, as significant as the cry of an animal, ... and if any sound, whatever it may be, together with an act, ... could serve to give meaning to the act, it would be admissible.”—Magistrate of South Carolina, 1845 (Davis, 2001: p. 292).

Throughout the period of black slavery in America, various forms of social control were developed for the black population. As anti-slavery sentiment grew, so did the constant monitoring of cruelties, the limitation of the master’s power, increased access to manumissions, and the growth of the free black population.

³⁶A hindrance, like the monarchy, was necessary to ensure the stability and expansion of the nation, but now, it hinders the nation’s development (Azevedo, 1987).

New strategies of population control emerged. Concurrently, it is essential to consider the symbolic and social aspects arising from slavery, as enslaved or freed communities developed strong bonds and strategies of resistance and survival. Therefore, both manumission (cf. Lima, 2000) and slavery should not be seen simply as a relationship between master and slave, as the bonds and interactions within the captive community play a vital role in the social configuration.

The institution of slavery in Brazil gradually lost strength in the second half of the 19th century. Various public policies were already oriented towards freed blacks, and a growing community of freed blacks existed. The impracticality of slavery at the end of the 19th century did not diminish its symbolic aspects on the black population, marked by centuries of prejudices that located their condition of inferiority in their skin color. Thus, in America, even free blacks were targeted by various public policies of control aimed at limiting their activities, whether by prohibiting them from exercising certain professions, preventing them from attending school³⁷, creating associations, or participating in churches, baptisms, and other liturgies. Over the years, these practices also lost their effect and eventually disappeared. However, blacks—whether enslaved or free—were subjected to the symbolic effect of slavery, maintaining the strong stigma of being dangerous and aggressive. Yet, in a social space controlled by whites, they had to maintain a servile posture, as Davis (2001, p. 274)³⁸ describes:

All blacks, whether enslaved or free, were barred from public and religious primary schools; their movements and employment were placed under the strictest controls; they were required to be submissive at all times, respect all white people, and treat them as masters. Any black or mulatto who contradicted a white man, or who spoke loudly or insolently, was to be severely whipped. The penalties increased if they raised a hand to a white person but decreased according to the lighter skin tone of the offender.

At the end of the 19th century, a vast population of freed blacks, poor and physically and symbolically marked by slavery, began to populate the cities. The

³⁷During the empire, blacks were prohibited from attending school, as education was a right reserved only for citizens. In Paraná, this restriction was reinforced in 1857 with specific legislation excluding slaves from primary education policies (Santos & Silva, 1988). These limitations extended to other activities: “In reality, the first laws concerning blacks in colonies like Chile, Panama, and New Granada were designed to prohibit them from carrying weapons, walking around at night, and, above all, fraternizing with the Indians” (Davis, 2001: p. 268). However, it is important to note that black communities—both freed and enslaved—did not passively accept these policies. For example, a survey in Paraná in 1882 showed that out of 361 students, 71 were slaves. In Paranaguá, a school was established and maintained by slaves, demonstrating that education was seen as a path to social advancement (Santos & Silva, 1988). This sentiment is also reflected in Brazilian popular music, such as in the song “Yayá Masmembá” by Roberto Mendes, also performed by Maria Bethânia: “Vou aprender a ler, para ensinar meus camaradas” (“I will learn to read, to teach my comrades”).

³⁸We must reflect on the consequences of centuries of a tradition of thought stemming from Aristotle’s concept of the natural slave, which became associated with skin color: “Tout nègre est esclave, quelque part qu’il se trouve” (Every black person is a slave, wherever they are) (Davis, 2001: p. 207).

perpetual fear of idleness—considered a characteristic of blacks—changed the landscape, and education came to be seen as a remedy for the ills of captivity³⁹ (Santos & Silva, 1988). Freed blacks lived in a borderline condition between slavery and freedom, facing numerous difficulties and obstacles to achieving full freedom and social integration. This was because the stigma perpetuated over centuries regarding slaves was now associated with black skin, which in turn was seen as an impediment to the desired order and progress. Among the measures to ensure order were discipline, police control and surveillance, as well as the promotion of paid free labor.

The stigmas reinforced by slavery persisted in the black population, and notions such as laziness, being enemies of work, aggressiveness, deceitfulness, foreigners, and outsiders (Cf. Lima, 2016) led to them being identified as enemies of order. This condition, although skin color played a fundamental role in this framing, accumulated other conditions over the years—especially from the 20th century onward—such as poverty, education level, and wage labor.

Perhaps the main reflection of slavery in public security is the reproduction of a military culture, so important for the maintenance of slavery, since ultimately, it involved humans controlling other humans through violence, considering them dangerous—even if necessary. In Brazil, this is deeply linked to patriarchal culture, another strong arm of militarism⁴⁰. This militaristic view imposes the creation of an internal enemy, someone who could at any moment cause social upheaval and disrupt social order.

The demands for order in the 20th century were different from the previous century. The emergence of peripheral and poor communities contrasted with the growth of industrialization and urban development, requiring a process of urban cleaning, often disguised as urbanization. The poor, uneducated, and those without access to formal work began to occupy certain areas of the cities, creating a new condition for social enemies—the geo-urban reference, or the periphery, whose control would follow the idea of permanent surveillance and violence. What might be new is the disinterested interest.

To eliminate prejudices against the black population, it is essential to adopt a multifaceted approach that includes education and awareness, public policies and legislation, representation and inclusion, economic development and empowerment, criminal justice system reform, and support for mental health and well-being. Educational programs should highlight the history and contributions

³⁹Davis makes an interesting observation about education and public security: “When the school finally started operating, it was restricted to white children. Whatever the Society for the Propagation of the Gospel’s interest in the spiritual welfare of its slaves, it was dampened by the colonizers’ pervasive fear that literate slaves and public security were incompatible” (Davis, 2001: p. 250).

⁴⁰By militarism, we refer to a set of values, attitudes, and actions based on the centrality of armed violence and force as a means of deterrence, elimination, and punishment against what is perceived as an enemy or threat to the social order (Camps-Febrer, 2016). In today’s era of globalization, we see a process of hypermilitarization of society worldwide (Bordin, 2021; Bordin & Moraes, 2017; Rufanges, 2016; Souza, 2019). This can be interpreted as a constant quest for security based on fear and segregation of the “other.” For a better understanding of the term “hypermilitarization,” see Bordin & Moraes (2017).

of the black population, while public awareness campaigns should dismantle negative stereotypes. Rigorous public policies and affirmative action programs are necessary to promote equal opportunities. Increasing the representation of black individuals in positions of power and influence ensures their perspectives are considered. Economic support programs and professional training can reduce economic disparities, and criminal justice system reform should eliminate discriminatory practices. Finally, psychological support programs and the promotion of inclusive environments are essential for overall well-being. These strategies, inspired by Fernández et al. (2020), are fundamental to advancing the elimination of racial prejudice and promoting a more just and equitable society.

Doubly subordinated⁴¹, the populations identified as dangerous, bearing the stigma that once marked slaves, are daily pursued by “capitães do mato” whose objective remains to recover fugitives, ensuring that their space continues to be delineated⁴², far from the eyes of the lords and barons unaccustomed to the imagined lasciviousness and promiscuity. The echoes of violent sociability still resonate (Machado da Silva, 2008), whose control is rationalized with large sums of money, but whose objectives remain similar: to segregate, discipline, and submit, ensuring that their now-social inferiority is maintained and even accepted.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

References

- Agamben, G. (2010). *Homo sacer: O poder soberano e a vida nua—I*. Editora UFMG.
- Anitua, G. I. (2008). *Histórias do pensamento Criminológicos*. Revan/Instituto Carioca de Criminologia.
- Antonil, A. J. (1837). *Cultura e opulência do Brasil: Por suas drogas e minas*. Typ. Imp. e Const. de J. Villeneuve e Ca. <http://www2.senado.leg.br/bdsf/item/id/222266>
- Azevedo, C. M. M. D. (1987). *Onda Negra Medo Branco: O Negro no Imaginário das Elites Século XIX*. Paz e Terra.
- Barros, A., & Peres, M. (2011). Proibição da maconha no Brasil e suas raízes históricas escravocratas. *Revista Perferia, III*, 1-20. <https://doi.org/10.12957/periferia.2011.3953>
- Batista, V. M. (2003). *O medo na cidade do Rio de Janeiro: Dois tempos de uma história*. Revan.

⁴¹Luiz Antônio Machado da Silva uses the notion of double domination to conceptualize one aspect of the violent sociability of Rio de Janeiro’s favela populations, closely related to Carlos Lima’s (2015) concept of double subordination. “As the core of ‘violent sociability’ is located in the favelas, the other residents are forced to share the territory with it. However, they still orient their behaviors according to the dominant cultural patterns and institutional rules. The common residents of the favelas are doubly dominated: in the dominant social order, they constitute the lower strata of the social structure; in the ‘violent sociability,’ they are forced to submit to the traffickers” (Machado da Silva, 2008: p. 22).

⁴²For more on this, refer to the testimony of the chief of Rio de Janeiro’s civil police, delegate Hélio Luz, describing police actions in the favelas (Lund & Salles, 1999).

- Becker, H. (2007). *Segredos e truques da pesquisa*. Zahar.
- Becker, H. (2009). *Outsiders: Hacia una sociología de la desviación*. Siglo XXI.
- Benci, J. (1977). *Economia Cristã dos Senhores no Governo dos Escravos*. Grijalbo.
- Bordin, M. (2021). *A guerra é a regra: A hipermilitarização da segurança pública no Brasil*. PG editorial.
- Bordin, M., & Moraes, P. R. B. D. (2017). A Ideia de Nação e a Hipermilitarização: Aspectos Sociológicos e Políticos. *Revista NEP—Núcleo de Estudos Paranaenses da UFPR*, 3, 284-294. <https://doi.org/10.5380/nep.v3i3.54382>
- Bourdieu, P. (2011). *O poder simbólico*. Bertrand Brasil.
- Caldeira, T. P. D. R. (2014). Qual a novidade dos rolezinhos? Espaço público, desigualdade e mudança em São Paulo. *Novos Estudos—CEBRAP*, 98, 13-20. <https://doi.org/10.1590/S0101-33002014000100002>
- Camps-Febrer, B. (2016). Patriarcado y militarismo. In B. Camps-Febrer, et al. (Eds.), *Mentes militarizadas: Cómo nos educan para asumir la guerra y la violencia* (pp. 13-22). Icaria editorial.
- Davis, D. B. (2001). *O problema da escravidão na cultura ocidental*. Civilização Brasileira.
- Dória, J. R. D. C. (1958). Os fumadores de maconha: Efeitos e males do vício. In Brazil. Comissão Nacional de Fiscalização de Entorpecentes (Eds.), *Maconha: Coletânea de trabalhos brasileiros* (pp. 1-14). Oficinas Gráficas do IBGE.
- Douglas, M. (1966). *Pureza e perigo: Ensaio sobre as noções de Poluição e Tabu*. Edições 70.
- Duvernay, A. (2016). *13ª Emenda*. Netflix.
- Fernández, E. V., Avila, D. D., Bautista, V. H., García, M. G. C., & Jacinto, O. A. D. (2020). Slavery today and Its Social Impact. *Advances in Applied Sociology*, 10, 61-73. <https://doi.org/10.4236/aasoci.2020.103005>
- Foucault, M. (1999a). *Em defesa da sociedade: Curso no Collège de France (1975-1976)*. Martins Fontes.
- Foucault, M. (1999b). Vigiar e punir: Nascimento da prisão. Em *Petrópolis: Vozes*. Editora Vozes.
- Foucault, M. (2013). *Microfísica do Poder*. Graal.
- Goffman, E. (2011). *Ritual de interação: Ensaio sobre o comportamento face a face*. Vozes.
- Levi-Strauss, C. (1980). *Raça e História*. Abril Cultural.
- Lima, C. A. M. (2000). Pequena diáspora: Migrações de liberto e de livres de cor (Rio de Janeiro, 1765-1844). *Locus—Revista de História*, 6, 99-110.
- Lima, C. A. M. (2015). Avanço, arbitrariedade e variabilidade da classificação como mestiços de escravos nascidos no Brasil (séculos xviii e xix). In *Anais de história de além-mar XVI* (pp. 339-368). CHAM. https://research.unl.pt/ws/portalfiles/portal/3357283/AHAM_XVI_ISSN_Dossier_Intro.pdf
- Lima, C. A. M. (2016). *Associativismo escravo e irmandades no Brasil: Limites e possibilidades do protagonismo cativo (séculos XVIII e XIX)*. Novas Edições Acadêmicas.
- Lund, K., & Salles, J. M. (1999). *Notícias de uma guerra particular*. Independente.
- Machado da Silva, L. A. (2008). *Vida sob cerco: Violência e rotina nas favelas do Rio de Janeiro*. Nova Fronteira.
- Machado, M. H. P. T. (2014). *Crime e Escravidão*. Edusp.

- MacRae, E., & Simões, J. A. (2003). A subcultura da maconha, seus valores e rituais em setores socialmente integrados. In M. S. Cruz, M. Baptista, & R. Matias (Eds.), *Drogas e Pós-modernidade: Faces de um tema proscrito* (pp. 95-107). Editora da UERJ.
- Mariuzzo, P. (2011). Atlas do comércio transatlântico de escravos. *Ciência e Cultura*, 63, 59-61. <https://doi.org/10.21800/S0009-67252011000100021>
- Martins, J. D. S. (2015). *Linchamentos: Justiça popular no Brasil*. Contexto.
- Moraes, P. R. B. D. (2003). *Punição, encarceramento e construção de identidade profissional entre agentes penitenciários*. Instituto Universitário de Pesquisas do Rio de Janeiro (IUPERJ).
- Moraes, P. R. B. D. (2014). *Vamos dar um rolé(zinho)?* *Gazeta do Povo*. [http://www.gazetadopovo.com.br/opiniaio/artigos/vamos-dar-um-rolé\(zinho\)-9hj2r4e35zw7zrm46vxqwlkij](http://www.gazetadopovo.com.br/opiniaio/artigos/vamos-dar-um-rolé(zinho)-9hj2r4e35zw7zrm46vxqwlkij)
- Orwell, G. (2009). *1984*. Companhia das Letras.
- Patterson, O. (2008). *Escravidão e morte social*. Edusp.
- Pinheiro-Machado, R., & Scalco, L. M. (2014). Rolezinhos: Marcas, consumo e segregação no Brasil. *Revista de Estudos Culturais*, 1, 1-21. <https://doi.org/10.11606/issn.2446-7693i1p1-21>
- Rabinovich, R. D. (2007). *Un viaje por la historia del derecho*. Quorum.
- Rufanges, J. C. (2016). *Mentes Militarizadas: Cómo nos educan para asumir la guerra y la violencia*. Icaria editorial.
- Saad, L. G. (2013). *“Fumo de negro”: A criminalização da maconha no Brasil*. Universidade Federal da Bahia.
- Santos, N., & Silva, D. (1988). Escravos, libertos e ingênuos na escola: Instrução e liberdade na província do paraná (1871-1888). *Scientia ET Labor*, 480, 1-19.
- Simmel, G. (1983). A natureza sociológica do conflito. In *Simmel* (pp. 122-134). Ática.
- Souza Filho, C. F. M. D. (2008). *O renascer dos Povos Indígenas para o Direito*. Juruá.
- Souza, A. T. (2019). *A farda e a Toga—Dois lados da mesma tragédia: Uma etnografia da política e práticas do Sistema de Justiça Criminal (SJC)*. Universidade Federal do Paraná.
- Souza, A. T., Matheus, G., & Rosa, P. O. (2015). Onde moram os perigosos? In *XVII congresso brasileiro de Sociologia* (pp. 1-17). Anais da XVII SBS.
- Souza, A. T., Rosa, P. O., & Camargo, G. M. (2015). Vulnerabilidade, Risco, Tratamento e Prisão: Categorias que operam como dispositivos de intervenção no contexto da biopolítica. In *XVII CONGRESSO BRASILEIRO DE SOCIOLOGIA* (pp. 1-20). Anais da XVII SBS.
- Souza, A. T., & Moraes, P. R. B. de. (2014). Os perigosos: Uma análise da construção do usuário de drogas como inimigos da ordem pública. In *29ª Reunião Brasileira de Antropologia* (pp. 1-25). ABA.
- Thiry-Cherques, H. R. (2006). Pierre Bourdieu: A teoria na prática. *Revista de Administração Pública*, 40, 27-53. <https://doi.org/10.1590/S0034-76122006000100003>
- Wacquant, L. (2007). *Los condenados de la ciudad: Gueto, periferias y Estado*. Siglo XXI.
- Wacquant, L. (2008). *Las cárceles de la miseria*. Manantial.
- Weber, M. (2010). *Conceitos Sociológicos Fundamentais*. Universidade da Beira Interior.