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# State of exception, neoliberalism, and militarization of public security in Brazil: A bibliographic review (1988–2022)

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#### **Abstract**

Brazil has historically employed a militarized strategy for public security, using violence as a means of social control over subordinate groups and repressing social and labor movements. The involvement of military personnel and state police in justice administration and politics reflects a distortion within the Brazilian state, which the 1988 Federal Constitution did not alleviate. Instead, since re-democratization, militarization has shifted from being an extraordinary measure to becoming the norm, representing an expansion of the state of exception. This trend has culminated in the military's return to the political scene and the presidency. This article examines the complex relationship between the militarization of public security and the recent trend of radicalization in farright political positions. The analysis centers on the theoretical debate regarding the relationship between a state of exception and neoliberalism. The research hypothesis posits a convergence between the militarization of politics, a state of exception, and state violence, which collectively impose limits on the rights enshrined in the country's legal system.

# **Key words**

State of exception; militarization; neoliberalism; police violence; public security

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#### Resumen

Históricamente, Brasil ha empleado una estrategia militarizada de seguridad pública, utilizando la violencia como medio de control social sobre los grupos subordinados y de represión de los movimientos sociales y sindicales. La participación de militares y policías estatales en la administración de justicia y en la política refleja una distorsión dentro del Estado brasileño, que la Constitución Federal de 1988 no alivió. Por el contrario, desde la redemocratización, la militarización ha pasado de ser una medida extraordinaria a convertirse en la norma, representando una expansión del estado de excepción. Esta tendencia ha culminado con el regreso de los militares a la escena política y a la presidencia. Este artículo examina la compleja relación entre la militarización de la seguridad pública y la reciente tendencia a la radicalización de las posiciones políticas de extrema derecha. El análisis se centra en el debate teórico sobre la relación entre estado de excepción y neoliberalismo. La hipótesis de la investigación plantea una convergencia entre la militarización de la política, el estado de excepción y la violencia estatal, que en conjunto imponen límites a los derechos consagrados en el ordenamiento jurídico del país.

#### Palabras clave

Estado de excepción; militarización; neoliberalismo; violencia policial; seguridad pública

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Law is not pacification, for beneath the law, war continues to rage in all the mechanisms of power, even in the most regular.

Michel Foucault (1999, 59)

#### 1. Introduction

January 8, 2023, was a sunny Sunday at Esplanada dos Ministérios, just a week after the festivities marking the official inauguration of Luís Inácio Lula da Silva as President of Brazil. The inauguration was notable not only for President Lula da Silva's victory in a highly contested election but also because he symbolically received the presidential sash from the hands of citizens representing the Brazilian people rather than from the outgoing president as tradition dictates. This unique gesture demonstrated respect for cultural diversity, social movements, political rights, and the struggles of the Brazilian people. It occurred because the defeated president refused to pass the sash to his successor, highlighting his disagreement with the election results and fueling anti-republican sentiments.

Since the 2022 electoral period, coup threats from various sectors of Brazilian society have been intensifying, driven by hate speech, disbelief in democratic values, and neo-Pentecostal fundamentalism. At the center of these coup threats was the so-called "hate cabinet," consisting of the far-right president's entourage, with explicit support from sectors of the armed forces and security forces at both federal and state levels. For over four months, the Brazilian judiciary had been lenient in addressing numerous attempts to interfere with or even prevent the democratic elections that signaled Lula da Silva's return to the presidency, following years of judicial and political persecution rooted in lawfare.

As a result, tensions escalated, and the stage was set for an attempted coup. Urban middle-class groups gathered in front of military barracks in the security area of the Federal District, whose government had vacated the federal capital, citing various reasons and without taking necessary precautions to protect the nerve center of political power.

We witnessed an attempted coup d'état with military support on that disastrous date. Despite the newly installed government's energetic and immediate response, groups managed to overrun Esplanada dos Ministérios and Praça dos Três Poderes, entering the Palácio da Alvorada, the Palácio do Itamaraty, the Federal Supreme Court (STF), and the two legislative houses, committing extensive vandalism. This openly orchestrated and frequently announced tragedy shocked both the nation and the world, particularly among those who defend democratic values and the rule of law. However, it did not surprise analysts who had long warned that the Kraken of militarism, operating within the depths of public power, had been extending its influence across several key republican institutions, military barracks, and opinion formation networks. Even though the coup attempt failed in a burlesque manner, the power of anti-democratic militarism and the military's presence in politics remained unshaken, casting a long shadow over democratic institutions.

The recent history of Brazil's coup wave is worth recounting briefly. In June 2013, one of the catalyzing events against President Rousseff's government (2011–2016) occurred. The street movements and pressure arising from major international sporting events

accelerated the approval of the so-called Anti-Corruption Law (August 2013). This law regulated leniency agreements, laying the groundwork for the introduction of lawfare, hybrid warfare, and increased military interference in the country's political power (Leirner 2020). This research project aims to create a genealogy of the militarization of politics in contemporary Brazil, tracing back to the double process of police militarization and the policing of the armed forces during the 1964–1985 dictatorship, which became further radicalized during President Cardoso's government (Zaverucha 2005, Nascimento 2016). This study considers genealogy as "the coupling of scholarly erudition and local memories, which allows us to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics" (Foucault 1999, p. 13). This approach does not imply rationality to military authoritarianism in the country but suggests that actions, policies, knowledge, institutional positions, and government decisions can become intelligible, allowing new forms to fight against authoritarianism to emerge.

The debate on public security and the administration of justice is crucial as it highlights the multiple exceptional strategies adopted in Brazil, particularly the governance of insurgent populations in urban peripheries. Governments that activate exceptional measures face the challenge of maintaining the ungovernable at the extreme limit between law and order, legality and illegality, state violence, and popular resistance (Chamayou 2020). In this context, the role of the armed forces can be seen as a constituent element of the political dimension of the Brazilian state since at least the proclamation of the republic (Martins Filho 2019, 2021, Carvalho 2021).

Brazilian social thought has explored the theme of the state's monopoly of violence to understand public security, particularly the incomplete nature of this monopoly (Adorno 2002). Given the developments of the past six years, this theme warrants revisiting in light of a political group that operates in the shadows, manifesting in various ways and spaces within the state bureaucracy to legitimize its power (Leirner 2020). Contemporary Brazil may serve as a paradigm or experimental field for studying the effects of exceptional policies. This project argues that these policies align with the broader adoption of neoliberal economic measures and the dismantling of social protection and human rights mechanisms (Dardot *et al.* 2021, Pires 2021).

The recent history of Brazil involves understanding the rise of militarized neoliberalism or a militarized culture of control. This new configuration is linked to the inquisitorial tradition and disjunctive democracy, where the state and its repressive institutions regulate the limits of and access to citizenship. In this context, alongside the strengthening of state authoritarianism, a new form of business reason emerges, spreading across various political spheres (Lima 1989, Caldeira 2001, Dardot and Laval 2016).

This phenomenon is not merely the politicization of the military – who have always been involved in politics – but rather the crystallization of a militarized governmentality. This entails the permanent construction of an internal enemy within the logic of war, armed confrontation, and state racism (Foucault 1999). In this militarized conception of social and political order, society becomes a battleground, and tactics and strategies used to combat terror or drugs are employed as paradigms for dealing with subaltern populations and the political left, considered internal enemies. Consequently, society is

viewed as a stage for permanent war (Graham 2016, Leirner 2020). Terms like asymmetric, hybrid, psychological, informational, and discursive warfare are analytical tools to consider war as an exceptional political and biopolitical device (Dardot *et al.* 2021). Alternatively, to use Michel Foucault's terms, it is politics as an extension of war by other means.

This article tests the hypothesis that the massive presence of military personnel in the Brazilian state is more than a historical accident; it is part of a broader process of exceptional militarism. Over the past decade, academic studies have shown that state military forces, public security agents, militias, and various instances of the administration of justice have adopted war terminologies and tactics such as siege, occupation, incursion, invasion, operation, and intervention (Wacquant 2003, Leite 2012, Cardoso 2019, Botelho 2020, Lemos 2020, Manso 2020). A genealogical analysis is proposed based on the notion of a militarized state of exception, which has become normalized and implies constant restrictions on the repertoire of fundamental rights. This is because war and the notion of the enemy have penetrated all dimensions of state governance.

The hypothesis will be tested by examining the persistence of high levels of lethality in police actions, as this constitutes one of the greatest challenges to democratic consolidation in Brazil. Since the re-democratization process in the 1980s, police lethality and violence have been central to the debate on public security. Several studies have highlighted the multiple facets and dimensions of this problem using statistical data, research on police ombudsman office performance, analyses of the use of force, observation of police officers' attitudes toward human rights, and field research in the country's urban peripheries. The findings of these studies are nearly unanimous: a) Young black people from peripheral areas are the primary victims of police violence; b) these deaths typically occur during problematic and highly suspicious police operations; c) there is a disconnection between deaths and injuries in these actions; d) deaths often carry signs of execution; e) police officers kill at a higher rate when on duty; f) police officers die more frequently when off duty; g) the state police kill more than all other institutions that control the use of force. These conclusions do not require complex multivariate correlation analyses to understand their implications. Deaths in police actions are routine, almost an organizational risk, as if they were part of the police's normal operations. Consequently, these deaths are preventable.

Since re-democratization, various strategies, actions, and policies have been adopted to control the use of police force: police ombudsman offices, the introduction of human rights in police training, community policing, community security centers, registration of weapon and ammunition use, regulation of crime scene preservation in cases of deaths during police actions, reports on the use of force, police crimes under jury jurisdiction, and body cameras for police officers, among other measures. However, no consistent and lasting policy has been implemented to date. On the contrary, many of the measures adopted over the last three decades to control police violence have been abandoned or not implemented at all. In recent years, official support for violent police actions has increased, summarized in vulgar expressions such as "aim for the head" or "whoever didn't react wasn't killed." This discourse legitimizes violence and is a variation of the traditional "a good criminal is a dead criminal," with an added military

connotation of efficiency and a "suspension of the ban on death" in police actions. Therefore, the initial question of this research is: why has death become such a durable and recurrent aspect of the state militarize police actions?

# 2. Permanent State of Exception

Our theoretical focus lies in the link between a state of exception and militarism, which may help elucidate the question posed. The state of exception, comprising a heterogeneous set of provisional and emergency measures present to varying extents within the legal norm, functions as a general tactic for governing the population (Foucault 1999, Agamben 2004a, Dardot *et al.* 2021). Thus, it constitutes a paradigm and a general government strategy, managing not holders of citizenship rights but biopolitical bodies valuable only to the extent they serve the calculations of the power of exception<sup>1</sup>. Unlike limited measures such as a state of emergency, state of war, state of siege, or dictatorship, the state of exception renders these measures permanent. Exception measures do not operate in a social void; rather, they integrate with typical spaces of exception: concentration camps, ghettos, immigrant internment camps, prisons, peripheral areas, and favelas (Agamben 2004a, Mbembe 2018).

Contemporary cities gradually become fertile grounds for exceptional measures, evolving into spaces of exception where the threshold between exception and rule blurs. Historically, cities have transformed into fortified ghettos supervised by private security companies and monitored by digital surveillance (Caldeira 2001, Graham 2016, Nesimi and Botelho 2020). These measures and spaces intensify when extraordinary events occur, triggering temporary suspensions of rights in favor of a perceived greater biopolitical good: earthquakes, floods, fires, epidemics, terrorist attacks, wars on crime, insurgencies, economic crises, political crises, coups d'état, and illegal imprisonments, among others (Dardot and Laval 2016).

Institutions such as the armed forces, police, secret services, information services, prisons, and youth detention centers manage populations in ways that align with the state of exception, temporarily suspending traditional legal norms through measures like inquisitorial procedures, provisional arrest, imprisonment, and administrative punishments and torture. These measures, spaces, events, and institutions of exception lay the groundwork for normalizing the state of exception (Souza and Serra 2020). This normalization does not necessarily create new legal rights; rather, it activates the normalizing and regulating mechanisms of the population, with foundations located elsewhere in the legal field. "The state of exception presents itself as the legal form of that which cannot have a legal form" (Agamben 2004a, p. 12).

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<sup>&</sup>lt;sup>1</sup> Foucault (1999) describes the articulation between the state of exception and biopolitics as the politicization of life, where the state assumes control over the life of the population. He defines biopolitics as addressing "a multiplicity of humans, (...) to the extent that they form a global mass that is affected by processes of birth, illness, reproduction, and death" (Foucault 1999, p. 289). In this context, biopolitics inherently involves the politicization of death, using death as a tool for managing the population through racism and genocide under the guise of societal defense. Agamben (2004b) expands on this argument by discussing the politicization of death in concentration camps, the treatment of the comatose, and euthanasia – paradigmatic expressions of *homo sacer*, or the authorized death of lives deemed unworthy of living. Mbembe (2018) further elaborates on these ideas, considering biopolitics as the power over death, encompassing massacre and the reduction of the human condition to slavery.

Agreeing with Botelho (2020), six aspects of recent history reinforce the tendency toward the normalization of the state of exception: 1) Crisis of legitimacy of political power, traditional political parties, and political representation; 2) Crisis of the work society and emergence of the risk society; 3) Increasing militarization of the state's regular civil functions, including the expansion of impunity for military personnel and the implementation of exceptional courts; 4) Crisis of the monopoly of state violence: privatization and militarization of the state; 5) Indistinction between established state powers and systematic use of decrees by the executive branch; 6)Selectivity of criminal justice and state action in general, including punitivism. These six aspects integrate into a plan arranged by neoliberal rationality as a form of governmentality (Lazzarato 2019, Chamayou 2020, Dardot *et al.* 2021). This framework of understanding the state of exception is not exhaustive, as it must also address the knowledge that legitimizes these mechanisms of power, forming the unstable foundation of the state of exception (Zuboff 2020).

The state of exception tends to become permanent as these measures and conditions evolve into a government system.<sup>2</sup> In this state, necessity becomes the ultimate foundation of the law. The privileged actors of the exception strive to place the state of exception above popular sovereignty through the militarization of politics (Pires 2021). Consequently, the state of exception becomes the rule and foundation of the legal order, acting as both the obverse and reverse of the norm of the rule of law. In Brazil, for example, executive decrees, ordinances, orders, and regulations hold more power than constitutional laws, effectively placing martial law within the norm, where the principle of war justifies this necessity as a greater good (Valim 2017).

his discussion implies a significant shift in traditional political thought concerning the separation of powers. In the state of exception, the executive branch legislates through decrees and provisional measures, appoints judges to higher courts, interferes in judicial decisions, and enforces exception laws through institutions that claim the state monopoly on physical force. The suspension of law enforcement becomes the defining condition of the state of exception. This condition underpins practices of state terrorism, espionage between sovereign states, the war on terror, the war on drugs, new military urbanism, lethal police violence, and punitivism: "an unprecedented generalization of the security paradigm as a normal technique of government" (Agamben 2004a, p. 28).

Political thought has traditionally focused on discussing the legality and legitimacy of legal norms. However, the debate on the state of exception shifts the problem to the foundation of the legal order itself. Instead of forming a special right, the state of exception involves suspending the legal order, from which the state emerges as a sovereign decision. The law's application requires its non-application, creating space for the exercise of political forces that benefit from apparent disorder or popular insurgencies. Consequently, force becomes a substitute for the law, not merely its enforcer. In this context, the military ceases to be an instrument of the rule of law and becomes its condition and limit. Therefore, whenever the state of exception becomes permanent, the legal order becomes increasingly politicized. The relationships between

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<sup>&</sup>lt;sup>2</sup> The state of exception is not the same as anomie; it is not a mere "extraordinary legality." Because the character of the state of exception is to make anomie the norm and extraordinary legality the rule. Giorgio Agamben says that the state of exception cannot be reduced to dictatorship, as Carl Schmitt did, for example.

politics, justice, and the military undergo profound reconfiguration; within the state of exception, politics becomes an extension of war by other means, as Michel Foucault (1999) suggests.

The hidden foundation of the state of exception is bare life, represented by the figure of *homo sacer* – the one who can be killed without his death being considered a homicide (Agamben 2004b). In all exceptional cases, death remains unpunished and becomes a political objective. This is particularly evident in Brazil, where the state-militarized police is one of the most lethal organizations in the world. The condition of legal liminality typical of exceptional measures, spaces, and situations becomes a common strategy in the actions of the state and its agents.

Carl Schmitt (2006, p. 7) assim define a soberania: "Soberano é quem decide sobre o estado de exceção". Mais adiante, demonstra que não se trata de um estado de sítio ou necessidade pública, mas que, no estado de exceção temos a condição mesma de vigência do direito. Esta condição é dada pela decisão soberana sobre a exceção; note-se o estado de exceção não é o caos anterior a norma, mas o estado de coisas resultantes da suspensão da norma. De modo que, podemos dizer que a exceção é, pois, uma exclusão. A partir deste raciocínio Giorgio Agamben (2004a, p. 35) define o estado de exceção como estrutura originária da soberania nos seguintes termos:

Carl Schmitt (2006, p. 7) defines sovereignty as follows: "Sovereign is who decides on the state of emergency". Further, it demonstrates that this is not a state of siege or public need, but that in the state of exception we have the same condition of validity of the right. This condition is given by the sovereign decision on exception; it should be noted that the state of exception is not the chaos before the norm, but the state of affairs resulting from the suspension of the norm. So, we can say that the exception is therefore an exclusion. From this reasoning Giorgio Agamben (2004a, p. 35) defines the state of exception as a structure originating in sovereignty in the following terms:

If the exception is the structure of sovereignty, then sovereignty is neither an exclusively political concept nor an exclusively legal category (...) it is the original structure in which the right refers to life and includes it itself through its suspension.

Life can only be included in the ordering by its exclusion, that is, it is trapped in a border zone, neither inside nor outside, but suspended. Agamben (2004a) will argue that the original model of this life trapped in sovereign abandonment is the sacratio – the sacredness of life. The homo sacer was a particular figure of Roman law who, accused of an offence could be killed by anyone who wanted and at the same time forbidden to the rites of sacrifice.

Sacra, that is, killable and unsacrifice, is originally life in the sovereign band, and the production of naked life is, in this sense, the original service of sovereignty. The sacredness of life, (...) expresses (...) precisely the subjection of life to a power of death, its irreparable exposure in the relationship of abandonment. (Agamben 2004a, p. 91)

The structure, or rather, the topology of the exclusive inclusion of naked life obeys the same procedures observed in the constitution of sovereignty. To say that the sovereign, in the original political act, that is, the decision, is at the same time inside and outside the law, is to say that the law applies disregarding normality. The exceptional case, the

substance of the decision, is included in the legal normality by its suspension, that is to say, exactly as an exception.

The sovereign power decides on the exception, applying the law without submitting to it. This is Carl Schmitt's paradox of sovereignty: "The sovereign decides on the state of exception"; "sovereign is the one who represents the exception, as he does not submit to the law" (apud Agamben 2004a, p. 19). The constant deployment of the military and measures restricting rights to resolve social problems reduce political space to a condition of permanent war.

It is also necessary to register, in the specific case of Brazil, that the state of exception is not antagonistic to the state of law, because the state of law produces its own exceptions and sometimes permanents exceptions.

There is an intense dialogue between Carl Schmitt and Walter Benjamin where, for Benjamin, exceptions are included in the state of law.

## 3. Neoliberal rationality

Thus, we ask: is there a relationship between a state of exception and neoliberalism? If we consider the contributions of Giorgio Agamben (2004a, 2004b) to the debate on the state of exception and the works of Chamayou (2020), Dardot et al. (2021), and Lazzarato (2019) on neoliberalism, our answer is affirmative. Neoliberalism forms a coherent theoretical framework as the new ideology of permanent war in the post-Cold War context. In recent years, the international debate on neoliberalism has integrated theoretical contributions that articulate the connections between neoliberalism and war.<sup>3</sup>

Although no consensus exists among scholars on the precise definition of neoliberalism, certain ideas, institutions, policies, and historical processes gain intelligibility through this notion. Since the Walter Lippmann Colloquium in 1938, neoliberal ideas have been associated with the privatization of public assets, a drastic reduction of the welfare state, the erosion of labor rights, capital deregulation, and tax cuts for the wealthy (Brown 2019, p. 29).

Michel Foucault (2008, p. 332), in his 1978-1979 lectures at the Collège de France, conceptualized neoliberalism as a new political rationality, far more insidious than merely economic adjustments and political authoritarianism. His basic thesis posits that the principles and tactics governing the market, specifically capitalist enterprises, become management mechanisms in both governmental and business spheres, as well as in how individuals govern their lives. In neoliberalism, the concept of homo economicus evolves into the self-entrepreneurial subject managing their own human capital (Foucault 2008, p. 311).

In this context, "neoliberalism can be defined as the set of discourses, practices, and devices that determine a new way of governing men according to the universal principle

<sup>&</sup>lt;sup>3</sup> For example, Alliez and Lazzarato (2021) provide a broader historical perspective on the logic of war, tracing it from the original accumulation of capital - manifested in colonial practices and the control of labor reproduction through the subjugation of women during witch hunts - to the disciplinary formation of the nuclear family and the training of the working class in the 19th century. This trajectory extends to the endless war against various segments within the populations themselves, such as criminal factions, insurgent groups, and social movements, following the Cold War.

of competition" (Dardot and Laval 2016, p. 17). Neoliberalism thus represents an art of governing conduct, where the economic logic of the market extends to domains previously not considered strictly economic, such as daily behavior, family relationships, delinquency management, and penal policy (Foucault 2008, p. 339). This neoliberal rationality transforms widespread competition between individuals into a continuation of war by other means – an economic war of everyone against everyone for survival. The ethics of the company adopt a warrior ethos, exalting combat, strength, vigor, and success (Dardot and Laval 2016, p. 333).

In the United States neoliberalism led to the privatization of prisons and the exponential growth of the military-industrial complex (Garland 2008, Beck 2009). This resulted in the mass incarceration of marginalized populations, particularly young Black and Hispanic individuals, and the militarization of police forces, which benefited from the redeployment of military equipment and personnel from conflicts in Iraq and Afghanistan.

Neoliberalism exhibits an authoritarian facet, just as financial capitalism inherently relies on state interactions. Hence, the concept of state capitalism emerges – neoliberalism as a stage in the integration process between capital and state, and between sovereignty and the market (Lazzarato 2017, pp. 89–91). In this regard, Foucault (2008, p. 182) cautioned that neoliberalism is situated "under the sign of surveillance, a form of ongoing intervention."

Therefore, this new rationale for the world presupposes a profound global transformation in economic, political, and social relations as financial capitalism transcends the narrow confines of the nation-state. In many respects, the world now functions as the laboratory for this new system of value appropriation centered on individual enterprise. Consequently, traditional structures of social protection, welfare-based social rights, artisanal production methods, and local cultures are viewed as impediments to integrating the world into the global market.

Authoritarian governments have effectively imposed changes that disproportionately burden the working classes. This authoritarian path of neoliberalism took root notably during the Chilean dictatorship under Augusto Pinochet, which became a testing ground for authoritarian neoliberal policies. Following Chile's lead, other peripheral countries under dictatorships supported or enforced structural adjustment measures imposed by neoliberal institutions such as the International Monetary Fund (IMF). Neoliberal measures swiftly became normalized when implemented authoritatively by leaders like Margaret Thatcher and Ronald Reagan (Brown 2019).

The ascendancy of the private domain over the public domain in business rationality formed the basis for neoliberal leaders' endorsement of the coup d'état in Chile, actively supporting the regime's exceptional measures. This era, termed "authoritarian liberalism" by Chamayou (2020, pp. 320–327), saw Friedrich von Hayek remark during his 1982 visit to Chile: "It is possible for a dictator to govern liberally. And it is equally possible for a democracy to govern with a total lack of liberalism. Personally, I prefer a liberal dictator to a democratic government without liberalism" (quoted in Chamayou 2020, p. 327).

Neoliberalism can thus be characterized by four dimensions: legal, with restrictions on constitutional guarantees; economic, through measures to curb social spending and deregulate markets; political, by supporting dictatorial regimes and authoritarianism; and subjective, by promoting individual enterprise in the forms of self-entrepreneurship and human capital (Dardot and Laval 2016).

In its support of authoritarianism as an expedient means to establish neoliberal societies and prevent crises and wars, authoritarian neoliberalism innovated within the traditional path of imperialist techniques. Another perspective on this authoritarian aspect of neoliberalism views it as capitalism's approach to animism: the exploitation of slave labor in capitalism's early phases has now become normalized for much of the subaltern population. This "universalization of the black condition" parallels new forms of imperial practices. Occupations and anti-insurrectionary wars aim not merely to capture and eliminate enemies but also to forge a new international system for controlling time and space:

Indeed, capture, predation, exploitation, and asymmetrical wars are intricately linked with the global re-balkanization and the intensification of zoning practices. This underscores an unprecedented complicity between the economy and biology, manifesting concretely in the militarization of borders, the fragmentation and reorganization of territories, and the establishment, within nation-states, of semi-autonomous spaces often devoid of national sovereignty. These areas operate under informal laws dictated by a myriad of fragmented authorities, armed private entities, or under the oversight of international bodies, often justified under humanitarian pretexts or the presence of foreign military forces. These zoning practices are typically accompanied by an extensive transnational network of repression: ideological surveillance of populations, deployment of mercenaries experienced in combatting local insurgencies, establishment of specialized 'hunt commandos,' systematic mass arrests, torture, and extrajudicial executions. Through zoning practices, an 'imperialism of disorganization' manufactures disasters and proliferates exceptional conditions globally, perpetuating a state of anarchy. (Mbembe 2019, pp. 17–20)

Similarly, Allièz and Lazzato (2021, p. 27) contend that "colonial war among and against populations serves as the model for the warfare unleashed by financial capital since the 1970s in the name of militant neoliberalism." This war logic exploits existing dualistic oppositions between social classes, white and black, men and women, cisgender and transgender, indigenous and non-indigenous groups, among others.

According to neoliberal theories, capitalism's exploitation and plundering of the world enabled the emergence of a new strategy for governing the ungovernable — the "neutralization of insubordination." As Chamayou (2020, p. 13) explains, "the self-destructive impulses inherent to capital are partly contained by democratic policies; yet, any attempt to expand popular sovereignty or social regulation is consistently perceived as intolerable by dominant classes." Essentially, governing the ungovernable necessitates genuine strategies of war and civil conflict, as Chamayou (2020, p. 16) illustrates: "not only are business discourses permeated with countless warlike metaphors, but responses to challenges will also be militarized in their approach."

Neoliberal rationality operates by instilling social fear and insecurity; under neoliberalism, individuals are compelled to fear revolts, immigrants, unemployment, drug users, communists, and minorities (Chamayou 2020, p. 61). Fear becomes

instrumental in depoliticizing the ungovernable (including the suppression of unions and social movements) and legitimizing competition as a key neoliberal governance strategy. Thus, neoliberalism fosters an authoritarian and quasi-police post-democratic governmentality that centralizes and multiplies authoritarian governance techniques, "managed through market techniques, while new rights (...) wage war against foreigners, immigrants, Muslims, and the underprivileged" (Alliez and Lazzarato 2021, p. 12).

It follows logically, according to Chamayou (2019), that neoliberalism targets the middle classes, who feel disadvantaged by the welfare state and harbor deep resentment toward the rights attained by the poor, immigrants, and non-whites. These groups are cast as enemies of neoliberalism, justifying war and even civil conflict as acceptable and necessary means. Neoliberalism's authoritarianism is underscored by its reinforcement of conservative ideologies, machismo, patriarchal family structures, racism, xenophobia, and homophobia among the middle classes (Brown 2019, p. 13). Indeed, the political backlash witnessed in elections across numerous global North and South countries finds its footing primarily among the middle classes. In light of this paradoxical praise, it is intriguing to entertain the notion that neoliberal rationality finds its normative basis in the state of exception (Agamben 2004a, Valim 2017, Dardot *et al.* 2021).

# 4. Police violence, militarization, and the paradigm of war

The persistence of lethal practices during the democratic era, sanctioned by state and federal executive authorities, is intertwined with a model of militarized public security. In São Paulo, militarization in public security encompasses a broad array of power dynamics and knowledge practices that expand control mechanisms and the permissible use of lethal force, even within the framework of democratic norms. This trend is closely aligned with the entrenched belief that "a good criminal is a dead criminal," a notion facilitated by Brazil's longstanding emphasis on overt policing.

According to this model, maintaining public order primarily involves "overt actions aimed at preventing, dissuading, restraining, or repressing events that disrupt public order," as stipulated in state police regulations under Decree 88778 of 1983. Thus, the emphasis on prevention through proactive patrolling by the state police is notable, even in the actions of the civil investigative police, which include investigation procedures and preemptive measures against criminal activities where lethal practices are sometimes observed.

The trend toward militarization is firmly entrenched within the state police, which is militarized and operates under the authority of the armed forces. The number of armed police officers has grown in response to security demands and the rapid expansion of the private security sector. Incidents involving state police officers in policing roles are categorized as military offenses, subject to their own code of conduct, procedures, and military justice (Souza and Serra 2020).

Brazil maintains a hybrid policing model where the civil police focus on investigation while the state police are militarized and engage in overt operations. The militarization and frequent interventions by the armed forces in public security suggest the persistence of cases of violence, intolerance toward diversity, resistance to civil oversight and evaluation mechanisms. The delicate line between justified and excessive use of force

requires continuous scrutiny. In the United States, three parameters are commonly used to assess the arbitrary or non-arbitrary use of force in policing: 1) The ratio of civilians killed to those injured in police actions; 2) The ratio of civilian deaths to police officer deaths; and 3) The percentage of police-involved deaths relative to total intentional homicides (Mesquita Neto 1999). Research on the use of force in Brazil consistently shows high levels of lethality according to these metrics. The number of civilians killed by police far exceeds police officer deaths in the line of duty. Police actions result in more deaths than injuries, and deaths caused by police constitute a significant portion of total homicides (Cano 1997, Mesquita Neto 1999, Lima 2011).

In Brazil, in 2015, deaths resulting from police interventions (MDIP) – encompassing police lethality both on and off duty – accounted for 5.7% of Intentional Violent Deaths (MVI), or homicides. By 2016, this figure rose to 6.9%. In São Paulo, the rate was 16% in 2015 and increased to 19.7% in 2018, second only to Rio de Janeiro's 22.8% in 2018. Thus, nearly 18 out of every 100 MVIs in São Paulo were committed by police officers (FBSP 2017, 2019).

Despite efforts, Brazilian police statistics lack reliability, especially concerning incidents of police lethality, often characterized in ways that obscure officers' excessive actions to shield them from accountability and perpetuate impunity (Lima 2011). Lethal force is consistently employed by Brazilian police and finds support among segments of the political class and public opinion (Mesquita Neto 1999, Lima 2011). Understanding the issue of police lethality requires examining the contexts in which these deaths occur. Most police fatalities happen when officers are off duty, whereas civilian deaths typically occur during police operations. Reliable estimates indicate that two-thirds of police fatalities occur when officers are not on duty (FBSP 2017, 2019).

The debate on police lethality gained renewed attention in the 2000s, highlighting the militarized nature of policing (Bicudo 2000, Soares 2006, Souza and Battibugli 2014). Police practices and strategies, framed around combating crime, eliminating criminals, and waging a "war" on drug trafficking, have justified the militaristic intervention and territorial occupation of favelas, often involving disproportionate and illegal use of force (Stephan 1975, Mesquita Neto 1999, Soares 2006).

The federal government has regulated the direct involvement of the armed forces in public security through Law and Order Guarantee Operations (GLO), authorizing them to conduct preventive or repressive police activities. Decree 3897 (2001) further institutionalized the militarization of national security policy, altering the dynamics of lethal incidents. GLOs have frequently been employed not only to maintain public order but also to resolve institutional conflicts, which reinforces military influence in Brazilian politics (Costa 2018, Souza and Serra 2020).

From 2019 to 2022, the far-right government saw a resurgence of neoliberal policies and a radicalization of militarism in public security. This administration heightened support for police violence against marginalized populations and political opponents (Costa 2018, Souza and Serra 2020). The federal government's anti-crime legislation, enacted under Law 13964 in late 2019, marks another step in the anti-democratic trajectory of state security policies. This trend was exacerbated by regional executive leadership, predominantly led by right-wing governors who endorsed militarized policing and punitive crime control strategies (Souza and Serra 2020).

Lethal incidents exhibit a geographical pattern, disproportionately impacting marginalized peripheries. From 1980 to 2006, regions in São Paulo with the poorest living conditions and lowest economic indicators reported the highest rates of lethal violence. Property crimes often trigger the use of excessive force, with police discretion imposing constraints on individual rights in the name of maintaining order. Police interventions are frequently influenced by arbitrary criteria shaped by stereotypes related to gender, race, age, and social status. Research extensively documents the selective nature of police violence (Sinhoreto *et al.* 2014).

In Brazil, police institutions continue to grapple with the challenges of administering state force within democratic norms (Caldeira 2001). The pervasive militarization of public security exacerbates these challenges, contributing to an authoritarian and discriminatory subculture (Pinheiro 2001). The phenomenon of the "bullet bench" and the growing involvement of military personnel in public roles not only promote the development and approval of militarized security initiatives but also bolster discourses that justify police use of lethal force. Thus, the police force can be seen as a blind spot in Brazilian democracy, often diverging from the principles of the rule of law (Pinheiro 2001, Caldeira 2001).

Police violence is situated within a broader context of exceptional measures, such as the National Security Law (LSN) and Law and Order Guarantee Operations (GLO). The federal military intervention in Rio de Janeiro in 2018 and security measures during major sporting events illustrate the ongoing militarization of public administration (Silva 2018, Cardoso 2019). Mass incarceration, characterized by its exclusionary and violent nature, reflects the erosion of constitutional guarantees: a significant proportion of those detained in Brazil have not been tried and are often held for drug-related or victimless crimes (Teixeira 2009, Melo 2014). Over the past three decades, public security and urban violence have been leveraged as pretexts for militarization and the implementation of exceptional strategies (Botelho 2020, Nesimi and Botelho 2020).

Political militarization entails historical revisionism that seeks to legitimize past military violence during the 1964–1985 dictatorship and justify ongoing military interventions in security and politics. This has included efforts to undermine the work of the National Truth Commission (CNV) and expand legal immunities for police and military personnel involved in civilian deaths. The discursive strategy justifies military interventions, enhances military powers, and denies historical instances of torture and political persecution, both historically and in contemporary Brazil (Zaverucha 2005, Santos 2011).

The increasing presence of the military in Brazilian politics marks the culmination of this militarization process. Military professionals, spanning disciplines from medicine to logistics, engineering, and telecommunications, are crucial in military life. As the military functions related to protecting the territory have been inactive since the Paraguayan War, they have expanded beyond traditional defense functions to encompass social control and counterinsurgency, addressing urban and rural revolts (the Canudos Revolt, the Vaccine Revolt, the 1917–18 Strikes, the Lieutenant's Revolt, the Araguaia War). Furthermore, the national strategy of border control, the major sporting events, and the participation of Brazil in UN peacekeeping missions (particularly the 2004–2017 MINUSTAH) represented opportunities to revitalize

military knowledge and reshape military careers (Martins Filho 2021). Not surprisingly, "military experts" are using their positions and roles to legitimize militarism in the face of the power and knowledge of civilians (Santos 2021). This transformation has not been without controversy, as military institutions have increasingly encroached upon spaces traditionally associated with democratic governance, such as universities, unions, and non-governmental organizations. The military was, at least in the time frame of the present project, not only winning the battle but also penetrating new territories and occupying new social spaces (Alves and Ferreira 2020, Lemos 2020, Godoy 2021).

For instance, since 2016, there has been a 102% increase in military personnel holding appointed positions in the federal government, surpassing levels seen during the 1964–1985 dictatorship (Schmidt 2022). This statistic underscores the resurgence of militarization in Brazil. Recent pension reforms, which curtailed civilian rights while expanding benefits for military and police personnel, have further entrenched a bureaucratic-military estate akin to that envisioned by Raymundo Faoro (1989). These measures, characterized by their exceptional nature – such as military interventions, restricted access zones, and special legal treatment – reflect a trend toward corporatism, interventionism, and diminished regard for democratic norms within military sectors (Martins Filho 2021, Santos 2021).

## 5. State of Exception and activation of war in the international context

In recent years, the problem of increasing militarism has intensified. This trend is evident not only in preparations for potential geopolitical conflicts but also in the evolving doctrines of warfare. The shift from Bosnian Serb snipers to Israeli drones in occupied Palestinian territories, from Vietnam's search-and-destroy helicopters to Afghanistan's stealth kill-and-destroy technology, means a profound change in war doctrine. In these scenarios, military actions target depersonalized civilians, considered mortal enemies, rather than conventional military forces. The new war aims to destroy material bases and morale rather than defeat the enemy. Housing areas, hospitals, schools, and churches become legitimate targets, with civilians seen as threats to be neutralized because they hide terrorists, offer support to combatants, and may carry concealed weapons (Prashad 2020).

Unmanned Aerial Vehicles (UAVs), or drones, have become effective hunter-killer devices within the strategy of projecting power and asymmetric warfare. These drones, like the US military's Predator models used in Iraq and Afghanistan, allow for killing from a distance without risk to the operators. Both ends of this technology-driven warfare involve people interacting with machines that make decisions, reducing human beings to avatars in a deadly game. Training and programming emphasize precision, targeting with minimal error but disregarding the so-called "collateral damage." In this framework, the deaths of opponents and non-combatants are not considered murders (Prashad 2020).

The spread of electronic warfare, now incorporating AI-equipped robotic weapons, creates what Chamayou (2015) calls an intelligibility crisis. Reverse engineering would be required to deactivate the killer devices and bring back to the real world the operators of drones and other killing machines, rendering them accountable for their crimes against life. In this war based on drones and the hybrid war, acts are dissociated from

their effects. Reversing the moral principle, those who expose war crimes or espionage abuses face punishment, while perpetrators remain unaccountable. This dynamic is a core element of the state of exception and legitimizes violence within a neoliberal and authoritarian economic strategy of full-spectrum domination by US imperialism.

History provides numerous examples of the militarization of politics, central to the state of exception. Covert operations by the US State Department, often involving the CIA, have overthrown democratically elected governments and installed dictatorships aligned with imperial interests in countries like Iran, Indonesia, Chile, Argentina, and Brazil (Bevins 2020). The USA was pivotal in Operation Condor, formalized in Santiago de Chile in October 1975. This alliance between the dictatorships of Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay aimed to surveil, kidnap, torture, assassinate, and disappear political activists opposing military regimes. It involved spies in left-wing organizations and supported paramilitary forces and police in summary executions (Klein 2008, McSherry 2009).

The current situation in Brazil, with the increasing presence of militias in urban areas like Rio de Janeiro and the police acting similarly to militia groups in São Paulo, is alarming. The systematic use of massacres to assert power underscores the long-standing process of militarizing public security and politics. This development reinforces a troubling trajectory that threatens democratic governance and civil liberties.

#### 6. Conclusion

This article aimed to demonstrate the complex interplay between public security, neoliberalism, and war, highlighting how the concept of a state of exception makes this relationship intelligible. In Brazil's recent history, these connections have emerged in ways that threaten democracy on multiple fronts, primarily due to the extreme militarization of security and politics. To conclude, we pose a question that demands further reflection.

Chamayou (2015) discusses the territories occupied by Israel in Palestine, which have become laboratories for experiments with selective killings and the large-scale use of drones designed for hunting and killing. The author argues that in drone warfare, the traditional model of warfare based on duels between equal opponents has been replaced by a hunting paradigm, where one party acts as the hunter and the other as the prey. This transition from hunting to predation began with the strategy adopted in the so-called war on terror, which aimed to surgically kill and, in some strategic circumstances, capture terrorists to gather intelligence or demonstrate progress in the war.

In collaboration with military forces, contracted companies, and intelligence and espionage networks employing torture and illegal surveillance techniques, the objective of this war has become to find, scare away, capture, and kill the opponent. Since October 2023, we have witnessed daily the application of the state of exception by Israel, one of the most militarized states in the world, perpetrating unprecedented violence against the Palestinians with the aim of ethnic cleansing the territory. This predatory action collapses the distinction between conventional and civil wars. Police efficiency in lethal action has never been more dire, measured not by adherence to international human rights standards but by the relentless hunting and elimination of the opponent.

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