Horizons of Inclusion:
Life Between Laws and Developments
in Rio de Janeiro

Maria Clara Dias and Luis Eslava[1]

Abre a janela!
Abre a janela da favela
Você vai ver a beleza que tem por dentro dela.
Abre a janela moço!

Open the window!
Open the window of the favela
You will see the beauty that is inside
Open the window, my friend!

Gracia do Salgueiro & Velha da Portela,
Janela da Favela (1975)

ABSTRACT: In this article we explore current debates about social inclusion in the Brazilian city of Rio de Janeiro. Through a comparison of two initiatives that aim to redress socio-economic segregation in Rio, we analyse the ontological position that these programs adopt towards their subjects, paying particular attention to the programs' assumptions regarding the legality and development status of residents in informal neighbourhoods. Our aim is to demonstrate how some social inclusion programs recognize and respect the diversity and life experience of marginalized subjects, whereas other nominally successful programs do not achieve such objectives. In our view, such recognition ensures that social inclusion programs become substantive avenues for justice,

rather than instruments of technocratic or economic programming, or the seeds of new forms of violence.

INTRODUCTION

In a rapidly globalizing yet violent and segregated Rio de Janeiro, questions about social inclusion are constantly on the agenda. On the one hand, the city is flourishing: Rio is the second largest economy in Brazil and the location of many multinational companies and international events.[2] Rio is the cultural centre of Brazil and the city exists in the global imagination as a place with an exuberant colonial past, a vibrant cosmopolitan present, and a promising future. According to *The Economist*, Rio is "undergoing a renaissance" and experiencing "a magic moment."[3] In 2014, the FIFA World Cup will be played in Rio, followed by the Summer Olympic Games in 2016.[4] Although these future international events represent a significant challenge to the city's administration and resources, they have also generated a surge of public interest and political will to transform Rio into an exemplar of urban renewal and progress.[5]

In sharp contrast to this energetic and enchanting aura, about 20% of Rio's 6.2 million residents still live in irregular urban settlements or *favelas*.[6] Citizens living in favelas have lower levels of education and health care and a shorter life span than the residents of the city's affluent neighbourhoods.[7] Another large percentage of Rio's population lives in the impoverished northern and western neighbourhoods.[8] While their situation, in legal terms, is less problematic than those who make their home in *favelas*, the residents of these poorer neighbourhoods nonetheless

---

2. *Security in Brazil: A Magic Moment for the City of God*, THE ECONOMIST, June 10, 2010, http://www.economist.com/node/16326428 (last visited Sept. 12, 2013).

3. *Id.*

4. *Id.*

5. *See also Hoping for the Best, Preparing for the Worst*, THE ECONOMIST, Jan. 3, 2011, www.economist.com/blogs/americasview/2011/01/rio_de_janeiro (last visited Sept. 12, 2013); *Rio plans to clear slums ahead of 2016 Olympic Games*, BBC, July 27, 2010, http://www.bbc.co.uk/news/world-latin-america-10783219 (last visited Sept. 12, 2013); *Rio de Janeiro Olympics: The Countdown Starts,* THE ECONOMIST, Aug. 18, 2012, www.economist.com/node/21560568 (last visited Sept. 12, 2013).

6. *See, e.g.*, Janice E. Perlman, *The Metamorphosis of Marginality: Four Generations in the* Favelas *of Rio de Janeiro*, 606 ANNALS AM. ACAD. POL. & SOC. SCI. 154, 158 (2006) (Special Issue: *Chronicle of a Myth Foretold: The Washington Consensus in Latin America*); JANICE E. PERLMAN, FAVELA: FOUR DECADES OF LIVING ON THE EDGE IN RIO DE JANEIRO (Oxford Univ. Press 2010).

7. *Id.*

8. *Id.*

find themselves immersed in successive waves of urban violence and removed from the core of the city's life and its global ambitions.[9] In 2006, for example, 2,273 people were murdered in Rio de Janeiro–a homicide rate of 37.7 cases for every 100,000 people[10]–and these homicides disproportionally affected the population living in *favelas* and the northern and western suburbs.[11] It is noteworthy that official forces contribute significantly to these statistics. Between 1998 and 2009, more than 10,000 people were killed in confrontations with the police in the Rio state (an average of 2.4 deaths each day) and in 2007 alone, the police were accused of killing 1,330 people.[12]

Mediating the two socioeconomic and spatial spheres of Rio is a dense traffic of public policies and technical discourses that aim to reduce the gap between the city's rich and poor residents. Responding to the international trend for the devolution of development responsibilities from central government to cities and local municipalities, reducing economic and social disparities in Rio has become a key objective to confirm both the city's new global status and the recent development success of Brazil.[13] As we noted previously, these discussions and policies regarding social inclusion have been proliferating since the selection of Rio as the host of the Olympic Games and the World Cup.[14] In addi-

---

9. *Id.*

10. Jens Glüsing, Maik Grossekathöfer, & Horand Knaup, *'Shoot Them in the Head': World Cup Hosts Brazil and South Africa Crack Down on Crime*, SPIEGEL ONLINE, June 11, 2009, http://www.spiegel.de/international/world/0,1518,659427,00.html (last visited Sept. 12, 2013)

11. *Id.*

12. *See* especially, *Polícia do Rio matou 25,1% a mais em 2007*, TERRA BRASIL, Mar. 19, 2008, http://noticias.terra.com.br/brasil/noticias/0,,OI2692068-EI5030,00-Policia+do+Rio+matou+a+mais+em.html (last visited Sept. 28, 2013); Alexei Barrionuevo, *Group Says Police Killings go Unpunished in Brazil*, N.Y. TIMES, Dec. 8, 2009, *available at* http://www.nytimes.com/2009/12/09/world/americas/09brazil.html (last visited Sept. 29, 2013). *See also* Tom Phillips, *Rio de Janeiro Police Occupy Slums as City Fights Back Against Drug Gangs*, THE GUARDIAN, Apr. 12, 2010, http://www.guardian.co.uk/world/2010/apr/12/rio-de-janeiro-police-occupy-slums (last visited Sept. 12, 2013).

13. *See* Luis Eslava, *Decentralization of Development and Nation-Building Today: Reconstructing Colombia from the Margins of Bogotá*, 2 LAW AND DEVELOPMENT REVIEW 281 (2009); LUIS ESLAVA, *El Derecho Urbano en un Mundo Globalizado*, *in* LA CIUDAD Y EL DERECHO URBANO 23 (Mauricio Rengifo and Juan Felipe Pinilla eds., Temis & Universidad los Andes, 2012); Luis Eslava, *'I Feel Like a Dog with the Tail Between its Legs': On the Limits of Protest and Urban Law in our Decentralized World*, *in* HUMAN RIGHTS BEYOND THE LAW (O. Sircar et al. eds., Oxford Univ. Press forthcoming).

14. For examples of how global events are affecting many other localities in the developing world and beyond, *see* Gary McDonogh, *Discourses of the City: Urban*

tion to the political momentum and public enthusiasm for the transformation of the city, these events have also generated a general anxiety, which has descended over Rio's public and private life.[15] Widespread law and order measures, accompanied by persuasive programs of social development and welfare, have come to frame the expectations and fears of all *cariocas*.[16] In the words of one resident, this situation is unnerving:

> I am scared to be in Rio de Janeiro today. There are big expectations on the city and that is frightening. I am not sure how we will deal with these expectations. Can we match these expectations? Are we going to get something positive out of them? Or are these expectations bringing a new wave of violence over the city?[17]

In the two main sections of this article, we explore the thick traffic of policies, discourses and anxieties that saturate current discussions about social inclusion in Rio de Janeiro. By describing and comparing the different objectives and assumptions of two current social inclusion programs, we attempt to unpack their conceptual mechanics and their *telos*.[18] In doing so, we examine the ontological status these two programs attribute to the subjects that they aim to serve. In our view, examining this ontological status is key to understanding how some social inclusion programs recognize and respect the diversity and life experience of marginalized subjects, and why some other programs do not achieve such objectives, and therefore operate in a narrow conceptualization of justice and what it means to be legal and developed in Rio de Janeiro today. For us this idea of recognition and respect is crucial because it preconditions an understanding of social inclusion as a process that can go beyond the immediacy of techno-

---

Problems and Urban Planning, 5 CITY & SOCIETY 40 (1991); Charles Rutheiser, *Making Place in the Nonplace Urban Realm: Notes on the Revitalization of Downtown Atlanta,* 26 URBAN ANTHROPOLOGY AND STUDIES OF CULTURAL SYSTEMS AND WORLD ECONOMIC DEVELOPMENT 9 (1997); Maurice Roche, *The Olympics and Global Citizenship*, 6 CITIZENSHIP STUDIES 165 (2002); Seong-Kyu Ha, *New Shantytowns and the Urban Marginalized in Seoul Metropolitan Region*, 28 HABITAT INTERNATIONAL 123 (2003); D. Asher Ghertner, *Calculating without Numbers: Aesthetic Governmentality in Delhi's Slums*, 39 ECONOMY AND SOCIETY 185 (2010); Volker Eick, *A Neoliberal Sports Event? FIFA from the Estadio Nacional to the Fan Mile*, 14 CITY 279 (2010); OLYMPIC CITIES: CITY AGENDAS, PLANNING AND THE WORLD'S GAMES, 1896-2016 (John R. Gold and Margaret M. Gold eds., Routledge 2d ed. 2010).

15. Luis Eslava & Maria Clara Dias, Fieldwork Notes (Rio de Janeiro, July 13, 2010).

16. *Id*.

17. *Id*.

18. *See* infra Parts I & II.

cratic programming or purely economic justification, ensuring a
more substantive avenue to address the issues of segregation and
violence endemic to the city.[19]

Our normative understanding of social inclusion implies
therefore an assumption about the value that everyone in our
political communities should hold *per se*: as subjects with a valid
past, present, and future. In this way, we identify in this paper
broad political, institutional and ideological trends that surround
the discussion about social inclusion in Rio, and how such trends
embrace more or less progressive conceptions of legality and
development and what it means to be a member of a political com-
munity. We discuss how these debates condition what is seen as
just or justiciable. For this reason, we have intentionally selected
social inclusion programs that drastically differ in their ideas of
justice and the way in which they conceive the legal and develop-
mental nature of marginalized communities.

In the next sections of the paper our discussion is organized
as follows: In the first part of the paper we look at the program of
Police Pacification Units–*Unidades de Polícia Pacifi-
cadora*–(UPPs).[20] The UPP program involves setting up commu-
nity police stations across Rio's most socio-economically
disadvantaged neighbourhoods.[21] Since its beginning in 2008, the
aim of the UPPs has been twofold: to resolve issues of public order
in the city's favelas and poor neighbourhoods (issues mainly
related with drug trafficking) and to facilitate, as a result of their
pacification actions, the social integration of local residents into
the city by elevating these neighbourhoods' security standards
and the increase of inter-urban mobility.[22]

In this first section of the article, we concentrate on how par-
ticular development and legal narratives are deployed over the
city's social topography in the UPP program. By placing the city's
poor in a generic condition of under-development and lawlessness,
an eschatological trajectory of salvation has been conditioning the
way in which Rio's administration approaches the people in the
city's favelas and its lower income neighbourhoods by way of its
UPP program. We are interested in this first part, to examine the

---

19. On the importance of questioning how subjects' lawfulness is recognized or
not, constructed, and shaped through different practices of inclusion, *see* Shaunnagh
Dorsett & Shaun McVeigh, Jurisdiction (Routledge, 2012).

20. *UPP's Concept: The Peace Police*, UPP Reporter, http://www.upprj.com/en/
?page_id=445 (last visited Nov. 9, 2012) [hereinafter, UPP Reporter].

21. *Id.*

22. *Id*.

appeal to the discourse of formal legality and economic development as it has been linked with the illegal or unruly condition of the city's poor. For us, social inclusion has been understood in the UPP program as a question of how securitization helps to bring into the boundaries of legality and development those economically and normative peripheral subjects of Rio de Janeiro.

In the second part of the paper, we change direction from our initial "official" or state perspective. Instead of exploring the discussion about social inclusion from the official perspective, we pay attention to a series of community-based projects carried out by *Ação Comunitária do Brasil do Rio de Janeiro* (ACB/RJ).[23] In ACB/RJ's projects, social inclusion is understood as a process that aims to integrate marginalized citizens into the community life of the city, based on their strengths and not on their shortcomings.[24] The goal of these projects is to reclaim a share of the city's economic and political global capital for its peripheral citizens.[25] For ACB/RJ, the primary question is not how marginalized subjects can gain a legal status or become developed beings by leaving behind their unruliness and material lacks. Instead, the question that ACB/RJ attempts to resolve through its projects is how its beneficiaries can obtain from the city a proper recognition of themselves as already lawful and productive subjects.[26] The avenue that is used for the integration of ACB/RJ's beneficiaries into the city is therefore grounded in their condition as specifically located subjects with a valid past and present, and with the authority to request their recognition from the state and the society as a whole. In our view, ACB/RJ attempts to build through its work an alternative social, economic, and political cartography over the city that supersedes official programs as well as traditional understandings of how Rio de Janeiro is, or should be, organized and what constitutes the city's legality and its development. In our interpretation, the final aim of ACB/RJ programs is to create a space in which marginalized communities can live as already valid and legitimate beings. In this way, official discourses of law and order, human rights, citizenship or economic productivity and local competitiveness are not deconstructed by ACB/RJ for their rejection. Instead, they are pragmatically

---

23. *See infra* Part II.

24. *See* especially, ACB/RJ, http://www.acaocomunitaria.org (last visited Sept. 17, 2013) [hereinafter, *ACB/RJ website*].

25. *Id*.

26. *Id.*

recycled in ACB/RJ programs with the objective of fulfilling these, usually abstract and vacuous concepts, with a progressive potential that speaks to the already-existing realities in the city.

After our discussion of the UPP program and ACB/RJ, we analyse theoretically the different understandings of justice that surround the initiatives and debates about social inclusion in Rio de Janeiro.[27] In doing this, we reflect in more precise terms about the work done by the UPPs and ACB/RJ and what our posture and proposals are before these examples of social inclusion.

Finally, we present some reflections on the anxieties surrounding the rapid globalization of Rio de Janeiro today–anxieties that are exceptionally vivid in the urgent requests to *include* Rio's poor residents in the official life of the city.[28] For us there is a great value, but also an acute risk, in these urgent calls for social inclusion. They can open up a space to start recognizing the diversity existing in the city or they can simply become a way to commodify the diverse life that exists in the city's *favelas* and low-income neighbourhoods. Even worse, social inclusion can also become an exercise in the proliferation of physical and symbolic violence hidden in any absolute call to ensure one's membership in a political community.

I. THE OFFICIAL HORIZON OF SOCIAL INCLUSION

In the last few years, the population of Rio de Janeiro has experienced diverse governmental and non-governmental attempts to manage the social inequality between the common citizens (sometimes known as the 'asphalt population'), and the residents of *favelas* and poor neighbourhoods. The current discourse appeals to the need to decrease the levels of socioeconomic inequality, and a greater integration ('inclusion') of an enormous population that lives outside the margins of governmental politics, democratic deliberation, and almost everything that comprises the so-called basic structure of society such as the health, education and judicial systems. In these cases, being outside the margin means not only being vulnerable by not enjoying the protection of the state and the institutions that compose civil society, but also by being a source of disequilibrium and rupture of social harmony, thus threatening the common citizen's way of life. The marginalized are thus not only defined as subjects who lack essential

---

27. *See infra* Part III.
28. *Id*.

equipment and services, but are also considered to be subjects who are a threat.[29] As many authors have discussed, the process of democratization and the liberalization of the economy in Brazil in the last three decades has brought increasing attention to issues of criminality and insecurity – a phenomenon that is clearly evident in Rio de Janeiro given the rapid internationalization of the city over the last decade, and the global events that are coming to Rio in the next few years.[30] Maintaining social order as a way of unleashing the apparent potential of economic growth while containing social unrest and waves of criminality has become, as a result, the precondition for a new state to emerge.[31] The discourse of social inclusion, in this context, demands economic, political and judicial equality making each individual a Brazilian citizen with prima facie equal rights and capabilities. Social inclusion, from this perspective, also proclaims the necessary compliance of marginalized subjects with the current social and legal framework in the name of peace and security. Oscillating between a possible emancipation and strict foreclosure, social inclusion has become, as a result, a perilous act. As we will see below, this is particularly applicable to official social inclusion programs, which are more attached to conventional ideals of citizenship, human rights, social order and economic progress.

Operating within this context, there has been an emergence of social inclusion programmes, with a particular urban character, in Brazil in recent years. In 2007, President Luiz Inácio Lula da Silva's government started, for example, a four-year plan called *Programa de Aceleração do Crescimento* (PAC) that included the promotion of urban development and the improvement of living conditions in marginalized urban areas.[32] *Programa de Aceleração do Crescimento* expanded the *Favela Barrio* and *Rio Cidade* initiatives that the local administration of Rio de Janeiro had been car-

---

29. This dynamic between needs and rupture, which is very present in development programmes and literature, is analysed in ARTURO ESCOBAR, ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD (Princeton Univ. Press 2d ed., 2012) (1995).

30. Glüsing, et al., *supra* note 10.

31. *See* Teresa P.R. Caldeira & James Holston, *Democracy and Violence in Brazil*, 40 COMPARATIVE STUDIES IN SOC'Y AND HISTORY 691(1999); TERESA P.R. CALDEIRA, CITY OF WALLS: CRIME, SEGREGATION AND CITIZENSHIP IN SÃO PAULO (Univ. of Cal. Press 2001); JAMES HOLSTON, INSURGENT CITIZENSHIP: DISJUNCTIONS OF DEMOCRACY AND MODERNITY IN BRAZIL (Princeton Univ. Press 2009).

32. *See* PAC's official website: http://dados.gov.br/dataset/obras-do-pac-programa-de-aceleracao-do-crescimento (last visited Sept. 12, 2013).

rying out since the mid-1990s to a national scale.[33] President Lula da Silva's government also started *Bolsa-Família* ("family account" or "family allowance") which, among other things, guarantees payments to registered low-income families who can demonstrate that their children regularly attend school.[34] Despite the successes of these programs at the national and local level, another social inclusion initiative has recently caught the attention of local and international media.[35] Starting also during Lula da Silva's government, the so-called Pacification Police (*Polícia Pacificadora*) in Rio de Janeiro have become the most emblematic program as national and local administrations are currently attempting to address issues of official absenteeism from large urban sections.[36] The aim of the program is to increase the level of security in the city by promoting greater interaction between residents in poor urban areas and the police.[37] To achieve this goal, new community police stations, or *Unidades de Polícia Pacificadora* (UPPs), have been set up within Rio de Janeiro's most socio-economically disadvantaged neighbourhoods.[38] The program is also expected to improve public infrastructure and social service delivery in disadvantaged neighbourhoods as a result of a greater police presence in the daily life of those neighbourhoods (see photos 1-2).[39]

---

33. Using international development resources, *Favela Barrio* and *Cidade Rio* aimed to integrate *favela* residents into the fabric of the city through upgrading infrastructure and services. On the content and outcomes of these programmes, *see* Claudio Acioly Jr., *Reviewing Urban Revitalization Strategies in Rio de Janeiro: From Urban Project to Urban Management Approaches*, 32 GEOFORUM 502 (2001): Elizabeth Riley, Jorge Fiori, & Ronaldo Ramirez, *Favela Barrio and a New Generation of Housing Programmes for the Urban Poor*, 32 GEOFORUM 521 (2001); Kenan Handzic, *Is Legalized Land Tenure Necessary in Slum Upgrading? Learning from Rio's Land Tenure Policies in the Favela Barrio Program*, 34 HABITAT INTERNATIONAL 11 (2010).

34. On *Bolsa-Família*, *see* Celia Lessa Kerstenetzky, *Redistribution and Development? The Political Economy of the Bolsa Familia Program*, 52(1) DADOS-REVISTA DE CIENCIAS SOCIAIS 53 (2009); Fabio Veras Soares, Rafael Perez Ribas and Rafael Guerreiro Osorio, *Evaluating the Impact of Brazil's Bolsa Familia, Cash Transfer Program in Comparative Perspective*, 45(2) LATIN AMERICAN RESEARCH REVIEW 173 (2010).

35. *See*, *e.g.*, Phillips, *supra* note 12; Jaylan Boyle, *Favela Pacification Under Way*, THE RIO TIMES, Dec. 8, 2009, http://riotimesonline.com/brazil-news/rio-politics/favela-pacification-plan-underway/ (last visited Sept. 12, 2013).
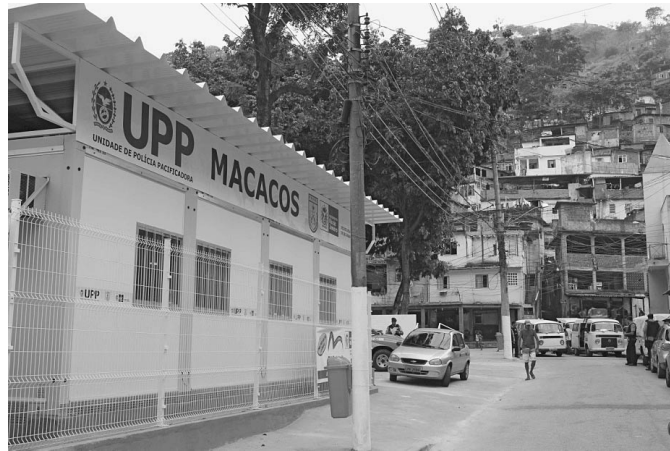
36. UPP REPORTER, *supra* note 20.

37. *Id.*

38. *Id.*

39. The first unit in Rio was installed in *Morro Santa Marta* on December 19, 2008. The unit was composed of 123 military police officers (PMs) whose task was to guarantee the security of the community's 10,000 residents. The second UPP was

Introduced originally in Rio de Janeiro at the end of 2008 as a new model of public security and policing, the UPP program has been an attempt to guarantee both the security in neighbourhoods and a positive transformation of the social perception of the police, and the state more generally, by rebuilding the credibility of official institutions in these communities.[40] This objective to improve the social perception of police is an especially pressing task in Rio de Janeiro, where the police are perceived as an oppressive power and as a separate institution from the social body.[41] Moreover, in Rio de Janeiro, police are widely regarded as an ally of organized crime, and a significant contributor to the high levels of violence in the city.[42]

---

placed in the *Cidade de Deus* on February 16, 2009. 326 PMs were stationed in this unit for a local population of 45,000 residents. *See* UPP REPORTER, *supra* note 20.

40. *See* Alexei Barrionuevo, *In Rough Slum, Brazil's Police Try Soft Touch*, N.Y. TIMES, Oct. 10, 2010, http://www.nytimes.com/2010/10/11/world/americas/11brazil.html?pagewanted=all&_r=0 (last visited Sept. 12, 2013).

41. *Id.*

42. At least four recent films and documentaries have exposed the relationship between police forces and criminal organizations and the way violence in Rio de Janeiro is exacerbated by police actions: NOTICIAS DE UMA GUERRA PARTICULAR, produced by João Moreira Salles and Kátia Lund (1999); THE ELITE SQUAD (or *Tropa de Elite* in Portuguese) and THE ELITE SQUAD 2 (2010) both of them directed by José Padilha (2006/2010); and VERÔNICA, directed by Maurício Farias (2008). *See especially*, Erika Robb Larkins, *Performances of Police Legitimacy in Rio's Hyper Favela* 38 LAW & SOCIAL INQUIRY 553 (2013).

Photo 1-2. UPP station and UPP units patrolling *Morro dos Macacos* (2010).[43]

The UPP program works within the principles of community policing – a strategy that started in the United States in the 1970's on the assumption that it was possible to improve urban security by establishing collaboration between local residents and the institutions of public security.[44] According to the UPP's official site, the government of the state of Rio plans to invest R$ 15 million in the Police Academy in the next years, so that by the 2016 Olympics Games, there will be 60,000 trained police in the state, most of dedicated to the city's police pacification program.[45] By 2014, the local administration expects to have 40 UPPs operating in more than 160 neighbourhoods across the city.[46]

Beginning with the retaking of the neighbourhoods that were

---

43. Marcelo Horn, *Governo de Rio de Janeiro*, Photographer, http://urutau.proderj. rj.gov.br/imprensa_imagens/EditaImprensa/fotos/1_02122010macacos_03.jpg and http://urutau.proderj.rj.gov.br/imprensa_imagens/EditaImprensa/fotos/1_02122010 macacos_05.jpg (last visited Nov. 9, 2012).

44. Theresa P.R. Caldeira has analysed the dynamics of community policing in Brazil, in particular in the context of São Paulo. *See* Theresa P.R. Caldeira *'I Came to Sabotage Your Reasoning': Violence and Resignifications of Justice in Brazil*, *in* Law and Disorder in the Post Colony 102 (Jean Comaroff & John L. Comaroff eds., Univ. of Chicago Press 2006). *See generally*, Mark Harrison Moore, *Problem Solving and Community Policing*, 15 Crime & Just. 99 (1992); J. H. Skolnick, *Policing, in* International Encyclopedia of the Social & Behavioral Sciences 11535 (Neil J. Smelser & Paul B. Baltes eds., Elsevier 2001); H.-J. Albrecht & D. Nogala, *Police, Sociology of*, *in* International Encyclopedia of the Social & Behavioral Sciences 11532 (Neil J. Smelser & Paul B. Baltes eds., Elsevier 2001). For an institutional definition of community policing in the United States, *see* US Department of Justice, Community Policing Defined (2009).

45. UPP Reporter, *supra* note 20.

46. Felipe Worneck, *Eike Batista Promete R$ 100 Milhões para Reforçar a Segurança do Rio até 2014*, Aug. 24, 2010, Estadão Brasil, http://www.estadao.com.

occupied for decades by drug dealers, and more recently by *milicianos* (paramilitary-style vigilante groups made up of off-duty or former policemen involved with organized crime), the objective of these UPPs has been to bring security to residents, guaranteeing both the constant policing of neighbourhoods and a better provision of basic services which have been either non-existent or provided by drug traffickers.[47] In an informal interview with the authors, a police officer assigned to one of the UPPs located in the central *favelas* of Rio de Janeiro described the "domination" and the "pacification" of marginalized communities as the two main objectives of a UPP station.[48] Once these initial two objectives have been achieved, the aim of a UPP is to eradicate drug trafficking, and to constantly patrol these communities in order to facilitate the implementation of public infrastructure projects and the delivery of official and community services.[49]

UPPs don't just bring the state into marginalized urban areas: UPPs also reach out to the marginalized residents and reinforce the notion that these residents have certain responsibilities. In other words, setting up a UPP in a favela announces the entrance of the state through a more effective provision of security, infrastructure and services. But, at the same time, it also aims to reinforce and renew the obligations that the favela residents have towards the city and the state. Keeping this double strategy in mind, it is interesting to notice how representatives of the local police have defined UPPs as an important "weapon" to increase the governance and the security in the city.[50] UPPs are visualized, in this way, as an instrument to recover the territory lost not only as a result of the activities of the organized crime, but also a *social* territory that is outside of state control thanks to a widespread community disregard towards public authorities and civil obligations.

Although UPPs have received an enormous amount of attention from the media, public opinion concerning the efficacy of the UPPs is still unclear.[51] For the "asphalt population" living close to

br/noticias/cidades,eike-batista-promete-r-100-milhoes-para-reforcar-seguranca-do-rio-ate-2014,599769,0.htm (last visited Sept. 12, 2013).

47. *See* Phillips, *supra* note 12.

48. Luis Eslava & Maria Clara Dias, Fieldwork Notes (Rio de Janeiro, July 14, 2010).

49. *Id*.

50. UPP REPORTER, *supra* note 20.

51. *See, e.g.*, *Slums in Rio de Janeiro: Nem-ermind,* THE ECONOMIST, Nov. 12, 2011, http://www.economist.com/blogs/americasview/2011/11/slums-rio-de-janeiro

favelas in which UPPs operate, the security in their neighbourhoods has improved.[52] In particular, the apparent reduction in armed conflicts inside the favelas, and the resulting decrease in the effects of these conflicts on the surrounding areas have generated an immediate increase in property values for these neighbourhoods.[53] Either because of this financial response to the securitization of favelas, or perhaps due to the increased number of police officers on the streets (which is an important visual component of community policing), a majority of the "asphalt population" and state authorities are applauding the UPPs.[54] For instance, near the end of his term, President Lula da Silva expressed his approval of the UPPs, encouraging their expansion and stating that the benefits of the UPP program outweigh its costs.[55] Similar support for the UPP program is expressed by the private sector, especially by a corporate conglomerate headed by Rio de Janeiro's multimillionaire, Eike Batista, and his *Grupo EBX*.[56] Through his support of the UPPs, Batista has confirmed a commitment to transform Rio state into 'a mix of California, New York and Houston, combining stunning beaches and natural beauty with financial clout and ultra-modern architecture.'[57]

Beyond these very public expressions of support by asphalt residents and public figures, the perception of UPPs held by residents of favelas and poor neighbourhoods is still highly shaped by the media. According to different reports, it seems that today there is a consensus concerning the improvement of quality of life, and above all, the increase of security in violent areas.[58] This opinion about UPPs appears to be held by residents of favelas with and without UPPs.[59] However, a keen observer may also perceive a certain general skepticism concerning the increasing public reli-

---

(last visited Sept. 12, 2013); Will Smale, *Rio's shanty towns spread their wings*, BBC, Feb. 8 2013, www.bbc.co.uk/news/business-20582470 (last visited Sept. 12, 2013).

52. *Id.*

53. *Id.*

54. *Id.*

55. Chico De Bois, *Lula Defende que UPPs Sejam Expandidas pelo Brasil,* O GLOBO, Dec. 3, 2010, http://oglobo.globo.com/rio/lula-defende-que-upps-sejam-expandidas-pelo-brasil-2916256 (last visited Sept. 12, 2013).

56. *See* Tom Phillips, *Brazil's richest man: the possibilities for Rio's transformation are limitless*, THE GUARDIAN, Dec. 26, 2010, http://www.guardian.co.uk/world/2010/dec/26/brazil-richest-man-rio (last visited Sept. 12, 2013).

57. *Id.*

58. *Uma Nova Realidade com as UPPs*, O GLOBO BLOGS, Dec. 14, 2010, http://oglobo.globo.com/blogs/favelalivre/posts/2010/12/14/uma-nova-realidade-com-as-upps-349221.asp (last visited Sept. 12, 2013).

59. *Id.*

190   INTER-AMERICAN LAW REVIEW   [Vol. 44:2

ance on UPPs for the provision of security in the city and the possible retaliation by drug dealers and *milícias* when the safety of favela and other neighbourhoods is no longer guaranteed by – until now very active – UPPs.[60] Residents of favelas have also started to fear the possible corruption of UPP officers or the eventual withdrawal of resources from the UPP program once the World Cup and the Olympics Games have finished. Residents are also wondering if the levels of violence in the city will rise in the following years given the increasing number of police in the city.[61] As such, the rising feeling of security in Rio de Janeiro associated with the UPP program remains uncertain.

Sadly, some of these doubts about the uncertain future of the city's security were confirmed in the last week of November 2010 when organized criminals responded overtly to the actions of UPPs by burning cars and buses.[62] These acts of retaliation by criminal groups resulted in no deaths or injuries.[63] However, in response to these events, qualified in the media as "terrorist actions," the state government of Rio, together with the federal government, deployed the armed forces and, in a true act of war, occupied the *Complexo do Alemão*, a group of favelas on the north side of Rio that are considered one of the most dangerous parts of the city and a long-held stronghold of drug traffickers (see photo 3).[64] Approximately 2,700 police officers and army soldiers participated in the occupation of *Complexo do Alemão*, which resulted in 51 deaths and 272 arrests on suspicion of participation in the drug trade.[65]

---

60. *See* Barrionuevo, *supra* note 40.

61. *Id*.

62. *Brazil's gangs: Time's up*, The Economist, Nov. 18, 2010, www.economist.com/blogs/americasview/2010/11/brazils_gangs (last visited Sept. 12, 2013) [hereinafter, *Brazil's gangs*].

63. *Id*.

64. Fábio Grellet, *Desde Início dos ataques foram 272 presos e 51 mortos*, Último Segundo, Dec. 2, 2010, http://ultimosegundo.ig.com.br/brasil/rj/desde+inicio+dos+ataques+foram+272+presos+e+51+mortos/n1237837074797.html (last visited Sept. 12, 2013).

65. *Id*.

Photo 3. Occupation of the *Complexo do Alemão*, Rio de Janeiro (Nov. 2010).[66]

The reaction of the "asphalt population" to the occupation of *Complexo do Alemão* was immediate and ecstatic.[67] In the well-off *Zona Sul* area of Rio, in front of the governor's palace, residents applauded from their windows as the troops started their deployment.[68] The press reinforced this support by running stories that documented in great detail the situation in *Complexo do Alemão*.[69] Additionally, in the weeks after the occupation, *Complexo do Alemão* became the recipient of a great amount of government and community support, strengthening the idea that the occupation had brought a new way of life in these favelas.[70] Christmas, for example, was celebrated as the end of violence in the area and a step towards the integration of the residents of *Complexo do Alemão* into the official life of the city.[71]

---

66. Vladimir Platonov, *Exército dá apoio a ocupação do Complexo do Alemão*, AGENCIA BRASIL, Nov. 28, 2010, http://agenciabrasil.ebc.com.br/galeria/2010-11-28/operacao-rio-de-janeiro# (last visited Sept. 12, 2013).

67. *Brazil's gangs*, *supra* note 62.

68. Myrna Domit and Alexei Barrionuevo, *Brazilian Forces Claim Victory In Gang Haven*, N.Y. TIMES, Nov. 28, 2010, http://www.nytimes.com/2010/11/29/world/americas/29brazil.html (last visited Sept. 12, 2013).

69. *Id*.

70. *Id*.

71. Carlyle Jr., *Crianças se divertem no primeiro Natal de paz no Complexo do Alemao*, R7, Dec. 25, 2010, http://noticias.r7.com/rio-de-janeiro/noticias/criancas-se-

Despite the applause and public activities surrounding the occupation of *Complexo do Alemão*, the general public has started wondering how many years it will take for the residents of this area of the city to forget the images of cannons and elite squads invading their territories in the name of state security, or how long it will take for the residents of *Complexo do Alemão* to confirm that the violent events carried out by security forces were only an initial step towards the effective renewal of their neighbourhoods.[72] Alexei Barrionuevo from *The New York Times* has written, for instance, on how the residents of *Complexo do Alemão* have started to view the presence of security forces in their neighbourhoods with "cautious eyes."[73] For Barrionuevo, '[g]one was the initial euphoria when the police entered the community of 120,000 people.'[74] Even by the end of the first week of the occupation, 'residents had accused the police of dozens of abuses, including robberies and violent entries into their homes as officers scoured the slum for guns, drugs and money.'[75]

It is therefore difficult to reconcile the acts of physical and psychological violence that accompanied the occupation of *Complexo do Alemão* with the ideal of social inclusion initially promoted by the UPP program. Even though the reduction of the insecurity in the city is a desirable objective, the events in the *Complexo do Alemão* (which replicated a similar occupation of these areas by public forces in 2007) indicate that there is still a lot to fear about the increasing securitization of social relations in Rio de Janeiro. In particular, it is easy to question whether the UPP program is only an emergency response to ensure public order in the lead-up to the World Cup and the Olympic Games, or whether the program can be something more substantial. More precisely, it is difficult to assess whether the straightforward assertion of state authority in the city's poor neighbourhoods will enable the residents to improve their living conditions in terms of health, education services, and employment. The proponents of the UPP program assume that reducing disorder in the city's marginal neighbourhoods will reduce the persistent levels of socioeco-

---

divertem-no-primeiro-natal-de-paz-no-complexo-do-alemao-20101225.html   (last visited Sept. 12, 2013).

72. Alexei Barrionuevo, *After Operation, Rio's Forces Greeted by Wariness*, N. Y. TIMES, Dec. 9, 2010, http://www.nytimes.com/2010/12/10/world/americas/10brazil.html?pagewanted=all (last visited Sept. 12, 2013).

73. *Id*.

74. *Id*.

75. *Id*.

nomic segregation in Rio de Janeiro through a kind of positive trickle-down effect, but this assumption is far from proven.[76]

Other shortcomings of the UPP program are also evident. For instance, local media have recently focused on the lack of assistance to both the orphans of the drug trade in the *favelas* and to *favela* residents with drug-addictions.[77] The UPP program has been unable to adequately solve the complexity of these issues faced by *favela* residents.[78] Similarly, there is rising concern about the abuses of power by the police and other organizations responsible for public security.[79] Given the increasing allocation of power to security forces by the local administration, there is a current tendency to represent policemen and army personnel in heroic terms and as the saviours of Rio de Janeiro–an unprecedented image in the history of the city where the police and criminals have always been seen as having related roles.[80] This new way of representing the police creates a state of affairs in which excessive demonstrations of force are somehow regularized and occasionally exploited into unnecessary and illegitimate displays of violence.[81] An example of this situation occurred in the middle of December 2010 when police units used excessive violence to remove a group of families from an abandoned building, which they had peacefully occupied.[82] The police used tear gas, pepper spray, and rubber bullets as part of their assault on the building.[83]

In our view, the problem with the new role and image of police and security forces in Rio de Janeiro is that they cannot overcome, by themselves, the deep structural problems that exist behind social unrest and a disregard for the public authorities in the city. Instead, it is possible to see how the expansion of state presence throughout the city, via more security forces, might exacerbate the violence that resides at the core of any state-driven assertion of

---

76. *See, e.g.*, Smale, *supra* note 51.

77. Antonio Werneck, *Prefeitura trata de usuários de drogas em áreas ocupadas*, O GLOBO, Dec. 15, 2010, http://oglobo.globo.com/blogs/favelalivre/posts/2010/12/15/prefeitura-trata-de-usuarios-de-drogas-em-areas-ocupadas-349539.asp (last visited Sept. 12, 2013).

78. *Id*.

79. *See, e.g.*, the community reporting blog about current concerns in terms of actions by police forces: RioOnWatch: http://rioonwatch.org/ (last visited Sept. 12, 2013).

80. *See* especially, Larkins, *supra* note 42.

81. *Id*.

82. Matheus Vieira, *Polícia desocupa prédio no Centro com gás e tiros de borracha*, O GLOBO, Dec. 13, 2010, http://oglobo.globo.com/rio/policia-desocupa-predio-no-centro-com-gas-tiros-de-borracha-2911274 (last visited Sept. 12, 2013).

83. *Id*.

sovereignty.[84]

The new image and role of police in Rio is, in this way, at risk of propagating the arrogance of individuals who have the power and authority to impose violence against other human beings due to their institutional position on the side of state law and official narratives of progress and security. The increasing dependence on police forces for social management can transform violence into an endemic and circular problem. Policemen and security forces attempt to reduce the violence in the city in order to stimulate the local economy and social progress. However, all too often in the process of reducing violence, more violence is produced.

Ahead of the increasing calls to reduce the criminality in the city, residents of poor neighbourhoods and other marginalized subjects are too easily conceptualized as a homogeneous group that must be brought within the boundaries of official law and official development narratives. Even though the starting point of a security intervention is typically a specific problem (such as the existence of drug trafficking or the operation of petty criminals in a neighbourhood), a generic image of peripheral subjects as outlaws and backwards tends to pervade public and official discourse. This situation becomes problematic when police are responsible for the stabilization of society. Once this occurs, the society as a whole ends up being represented as if it were a single unit ready for calibration through the use of surveillance and sporadic deployments of intense violence.

As John and Jean Comaroff have argued, however, the issues with public order in Rio de Janeiro, as in many other postcolonial sites, are not an expression of a natural or widespread disregard for social duties by marginalized sections of the community.[85] Instead, the proliferation of security concerns that we can witness across the Global South reflect the increasing fragmentation of social order *vis-à-vis* the neoliberal reconfiguration of states and

---

84. Questions about the violence of sovereign power have occupied political theorists for a long time. *See, e.g.*, WALTER BENJAMIN, *Critique of Violence*, in SELECTED WRITINGS VOLUME 1 1913-1926 236 (Marcus Bullock & Michael W. Jennings eds., Suhrkamp Verlag trans., Harvard Univ. Press 1996); CARL SCHMITT, POLITICAL THEOLOGY: FOUR CHAPTERS ON THE CONCEPT OF SOVEREIGNTY (George Schwab ed., George Schwab trans., 2005); MICHAEL FOUCAULT, DISCIPLINE & PUNISH THE BIRTH OF THE PRISON (Alan Sheridan trans., Penguin, 2d ed. 1995); GIORGIO AGAMBEN, STATE OF EXCEPTION (Kevin Attell trans., Univ. of Chicago Press 2005).

85. *See* Jean Comaroff & John Comaroff, *Criminal Obsessions, after Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder*, 30 CRITICAL INQUIRY 800 (2004).

the liberalization of national economies.[86] With national economies becoming more dependent on foreign investment or the export of key commodities, and the institutional make-up of nation-states being constantly transformed, public unrest is a phenomenon that reflects the negative effects of new political and economic models on specific social groups (e.g., in terms of labour policies or the role of private actors in the promotion of social development).[87] At the same time, ensuring public order has become a way for national and local administrations to demonstrate that they are both competent and committed to the rule of law and the security of transnational investments in their territories – two key principles in current development policies and the practices conducted under the professional and academic field known as Law and Development.[88]

The insecurity in Rio de Janeiro is, therefore, not simply the lack of state control, nor is violence an intrinsic characteristic of urban poverty. Insecurity, as well as the insistent calls to control it, is instead an outcome of the current political and economic restructuring of nation-states which combine a strategic mix of state interventions and withdrawals from social life in order to facilitate economic growth and, it is hoped, to unleash social development.[89] This global trend to reform the operation of nation-states has solidified in Brazil over the recent years – even as recent governments have been part of the turn to the left in Latin America – and they have made social order more difficult to achieve through progressive social inclusion programs that aspire to move beyond official law and order measures or a narrow economic rationality.[90] The UPP program, and the increasing use of

---

86. *Id.* On the neoliberal transformation of the state within the urban context, *see also* Neil Brenner, New State Spaces Urban Governance and the Rescaling of Statehood (Oxford Univ. Press 2004); Neil Brenner, Jamie Peck & Nik Theodore, *Variegated neoliberalization: geographies, modalities, pathways*, 10 Global Networks 182 (2010); Neil Brenner & Nik Theodore, *Cities and Geographies of "Actually Existing Neoliberalism,"* 34 Antipode 349 (2002); Roger Keil, *The urban politics of roll-with-it neoliberalization*, 13 City 230 (2010).

87. *See, e.g.*, Luis Eslava, *Corporate Social Responsibility & Development: A Knot of Disempowerment*, 2 Oñati Journal of Emergent Socio-legal Studies 43 (2008).

88. *See* especially, Stephen Humphreys, Theatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice (Cambridge Univ. Press 2010). For a critical review of the practices conducted under the field of Law and Development, *see, e.g.*, The New Law and Economic Development: A Critical Appraisal (David Trubek & Alvaro Santos eds., Cambridge Univ. Press 2006).

89. Arturo Escobar, *Latin America at a Crossroads*, 24 Cultural Studies 1 (2010).

90. *Id.*

police force in Rio de Janeiro more generally, should be seen, as a result, as an expression of a nervous state under pressure and of a city that aspires to be seen as a developed and rule of law-abiding place.[91]

II.   THE COMMUNITY HORIZON OF SOCIAL INCLUSION

We turn at this point to the possibilities that can be opened by community-based understandings of social inclusion. As an example, we have chosen the work done by *Ação Comunitária do Brasil do Rio de Janeiro* (ACB/RJ), a non-governmental organization founded more than forty years ago by a collective of individuals and companies concerned with the living conditions in the *favelas* of Rio de Janeiro.[92] During the past four decades and in its two main centers at *Cidade Alta* and *Vila de João*, ACB/RJ has promoted and defended the rights of marginalized citizens, which mainly consist of children, teenagers, young adults, women and Afro-Brazilian citizens.[93] According to the organization's own description, ACB/RJ aims through its socio-educational activities to improve the individuals' personal growth, self-esteem, achievement of autonomy, capacity, and potential of the individuals, 'in order to enable them to develop and to make responsible and informed choices.'[94] Importantly, the organization's actions are aimed to promote and defend the rights of citizens who are kept apart from Brazil's economic, social, and cultural development.[95]

Similar to many other public and non-governmental organizations, during the first twenty-five years of operation, ACB/RJ's programs aimed to give to the residents of *favelas* the opportunity to enter the national workforce and benefit from the rapid industrialization of Brazil during the second half of the twentieth century. However, towards the end of the 1990s, and attending to the shifts in the global economic and political order that we discussed above, ACB/RJ reformulated its objectives and programs. Instead of assuming the workplace as the pre-selected site for the enactment of political, economic, and social demands vis-à-vis an assumingly responsive nation-state (the traditional approach

---

91. Comaroff & Comaroff, *supra* note 85.

92. *ACB/RJ website*, *supra* note 24.

93. *Id.* at *Organization* (explaining that more than 150,000 people have directly benefited from the entrepreneurial and professional training programs delivered by ACB/RJ in more than 150 different favelas, and that ACB/RJ has mainly worked in *favelas* located in the metropolitan area of Rio de Janeiro).

94. *Id.* at *Mission and Goals*.

95. *Id.*

taken by grassroots organizations in developing countries for a
long time), ACB/RJ started to promote, through its programs, ave-
nues for people to engage with "the world of work".[96] The ACB/RJ
expanded its program from the basic training of people as workers
and began to view individuals as unique subjects that exist within
and beyond the workplace. For example, ACB/RJ began to offer
technical training and set up social projects involving general edu-
cation and the promotion of arts and culture.[97]

In this expansion of scope, the working premise for ACB/RJ
activities became the need to facilitate learning processes in which
residents of favelas could identify both what they wanted to do (in
which field they would like to gain training in order to later
engage in the labour market) and for residents to think strategi-
cally and in terms of their own enjoyment and lifestyle. Since that
time, ACB/RJ has been reversing in its programs the idea that
people, especially those unemployed and socially marginalized,
must fit into the social world through their participation in the
workforce and the social milieu as "generic" employees or eco-
nomic agents. At the same time, ACB/RJ's activities started to
reconfigure the popular view of favela residents as permanently
embedded in an environment of violence or constantly located at
the margins of law. Through its programs, ACB/RJ began to chal-
lenge the view of favela residents as silent, lawless victims of an
external violence that has been imposed upon them (for example
by drug gangs) but which did not result from the larger socio-eco-
nomic inequalities that underpin life in Rio de Janeiro and Brazil.
In order to overcome these widespread views, which sustain to a
large extent the UPP program as we explained above, ACB/RJ
now works towards the improvement of the material conditions of
favela residents, and at the same time, challenges through its pro-
grams the stigmas and prejudices that are constantly directed
towards the residents living in the surroundings of ACB/RJ's
centers.[98]

For instance, *Cidade Alta*, where ACB/RJ has one of its cen-
ters, is widely known in Rio de Janeiro as a dangerous area, and is
not known for the potential of its residents.[99] This is the case,
according to ACB/RJ, 'thanks to the numerous reports of corrup-

---

96. *Id*. at *Strategy*. *See* also, Luis Eslava & Maria Clara Dias, Fieldwork Notes
(July 13, 2010) – on the concept 'the world of work' according to representatives of
ACB/RJ in the centers of *Cidade Alta* and *Vila de João*).

97. *See* ACB/RJ website, *supra* note 24.

98. *Id.*

99. *Id*. at *Cidade Alta Unit*.

198   INTER-AMERICAN LAW REVIEW   [Vol. 44:2

tion and violence committed by people linked to organized crime.'[100] *Cidade Alta* has even served as the setting of the world-renowned film: *Cidade de Deus*.[101] As ACB/RJ puts it, in light of this portrait of *Cidade Alta* as violent and marginal, 'residents feel discriminated against and unjustly stigmatized.'[102] This situation of stigmatization in *Cidade Alta* is also faced by the 15,000 residents of *Vila do João*, where ACB/JR also operates.[103] Similar to the residents of *Cidade Alta*, the community members in *Vila do João* are not only victims of the erosion of their rights as citizens, but they are also the object of social prejudices as a result of the violence and organized crime that is associated to their neighbourhood.[104]

To contest these reductionist views about the economic nature and lawfulness of favela residents, ACB/RJ currently offers programs that seek to redress issues of lack of technical skills and to tackle, at the same time, the problems of gender, ethnicity, and cultural discrimination that underpin the life of favela residents. In this process, the gender, ethnicity, and cultural characteristics of the population have become transversal axes on the basis of which the different programs are designed and delivered.

Remarkably, this change of strategy has also affected the daily operation of ACB/RJ centers and courses. ACB/RJ today defines its activities in terms of working areas – areas in which the organization attempts to generate a significant social change.[105] Some of these areas include the following: environmental sustainability, health, tolerance and human rights, corporate obligations in terms of social issues, economic inequality, and peace and security.[106] Within these broad areas, ACB/RJ delivers basic and technical programs on literary and professional skills, recreation, reproductive health and family well-being, hairstyling, gastronomy, hospitality, computer skills, fashion design, music

---

100. *Id.*

101. CIDADE DE DEUS (2002). CITY OF GOD (in English) is a Brazilian film directed by Fernando Meirelles and co-directed by Kátia Lund, released in Brazil in 2002 and worldwide in 2003. It is based on the novel of the same name written by Paulo Lins (1997). The film depicts the growth of organized crime in the *Cidade de Deus* neighbourhood in Rio de Janeiro between the end of the 1960s and the beginning of the 1980s.

102. ACB/RJ website, *supra* note 24.

103. *Id.* at *Vila Do Joao Unit*.

104. *Id.*

105. *Id.* at *Working Areas*.

106. *Id.*

and dance.[107] However, in each of these specific programs, issues of gender, ethnicity, and culture are taken into consideration and linked with the organization's broad areas of interest.[108]

For instance, as part of its work towards the promotion of environmental sustainability, all materials and products that ACB/RJ students produce in their courses or in the projects that run under the sponsorship of the organization come from recycled materials.[109] At the same time, ACB/RJ includes substantive discussions about environmental problems and politics in its basic literary and professional skills classes. Another example of this circularity in the design and operation of ACB/RJ programs is the way in which the organization encourages activities that value Afro-Brazilian culture.[110] Aware of the racial composition of the communities living around its centers, and aware of the role that race plays in terms of the socio-economic and cultural exclusion that these communities face, ACB/RJ has contributed in the creation of several dance groups. The dance groups use specific choreography that involves ancestral rhythms from Angola and are part of Afro-Brazilian heritage.[111] ACB/RJ also runs gastronomic classes and a gastronomic micro business (called *Buffet Maré-Ação*) that specializes in Afro-Brazilian and Angolan food, and it runs permanent programs on theatre, *capoeira*, music and dance that are specifically informed by Afro-Brazilian culture.[112] As part of this effort to combat racial discrimination while promoting the empowerment of favela residents, ACB/RJ also runs the program "Beauty and Gender." This is an affirmative action program that promotes the integration of women and Afro-Brazilians in the workplace by providing them with professional job training and networking opportunities, using Afro-hair and beauty products as tools for empowering women.[113] In all of these cultural and productive activities, ACB/RJ aims to generate avenues for the participants to engage in the economy and the public realm of the city as subjects with a rich historical past and an important role in today's Brazil.

---

107. *Id.*

108. *Id.*

109. *Id.*
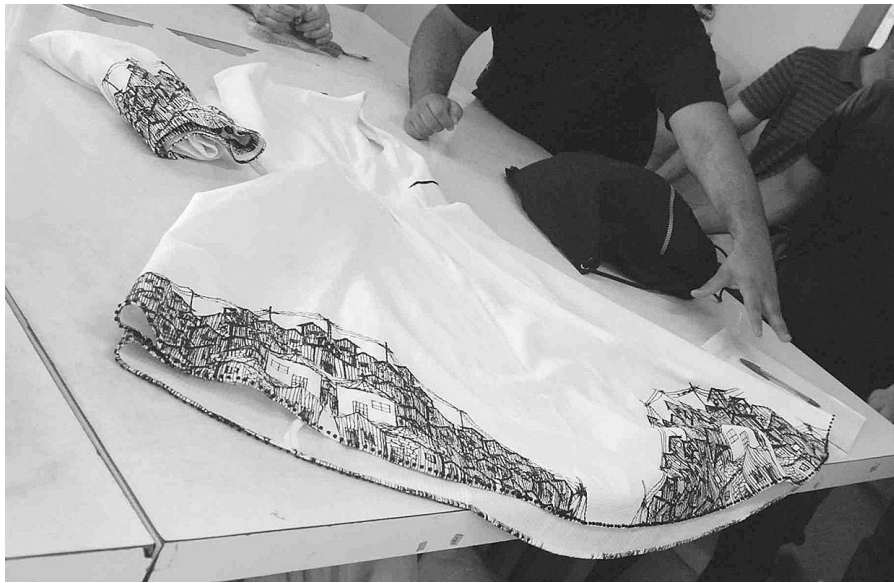
110. ACB/RJ website, *supra* note 24.

111. *Id.* ACB/RJ pays special attention to Angolan culture and heritage because the largest community of Angolan refugees in Brazil lives in the *Maré Complex*, where ACB/RJ's center *Vila do João* is located.

112. *Id*.

113. *Id.*

Perhaps the most interesting exercises carried out by ACB/RJ are its programs and social projects in the area of sewing and fashion design. In these programs and projects, the ACB/RJ's mode of operation shows its remarkable ingenuity. ACB/RJ uses the architecture and lifestyle that prevail in the South zone of Rio de Janeiro, where ACB/RJ operates, as the main reference.[114] In this way, minimalistic drawings of favelas, especially resembling those where ACB/RJ originally started its work, or the flowers and plants that are carried out by inter-urban or rural migrants in the moment of their displacement towards a new life in the city's favelas, are stamped over T-shirts, skirts, dresses or blouses (see photos 4-5).[115] As a fundamental part of these activities, the participants of ACB/RJ courses and projects in the area of sewing and fashion create and stamp the designs, produce the garments, and distribute the products according to fair trade principles.[116]
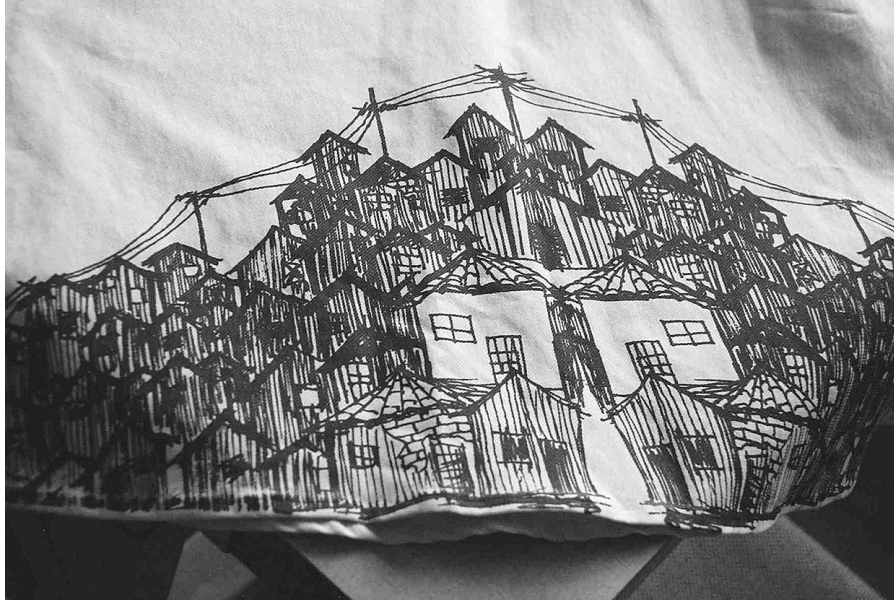

---

114. *Id*. at *Fashion and Style.*

115. *Id.*

116. The resources for these courses and projects, and the expertise in design, are obtained from strategic corporate partnerships. *See Id*.

Photos 4-5. An example of a garment produced in ACB/RJ programs of sewing and fashion design. Silkscreen dress with the façades of a favela. Photos by Luis Eslava (July 2010).

By training in the production and commercialization of these garments, ACB/RJ aims to generate awareness about the issues of cultural discrimination faced by the people involved in the organization's courses and projects. In particular, the inclusion of the images of *favelas* is a statement on the organization's commitment to tackle both material inequalities and the subjective and symbolic violence faced by *favela* residents. By using these images, ACB/RJ provides participants with an avenue to recover a valuable part of their personal history – a part of their lives that is usually condemned in public discourse. Instead of silencing or attempting to exorcise the fact that a large part of the life of *favela* residents is shaped by constant accusations about their illegal possession of land, their irregular connection to public utilities, or their violation of planning regulations, these garments produced in ACB/RJ's courses and projects aim to re-vindicate the inherent lawfulness of *favela* residents – in other words, their legality beyond official law. Instead of demonizing or circumventing their tension with the official law or their apparent under-development or unruliness, ACB/RJ initiatives in sewing and fashion design are carried out on the basis of the intrinsic value and entrepreneurship of ACB/RJ's beneficiaries, their legitimate place in Rio

de Janeiro, and their commitment to improve their lives from the basis of their own realities.

As a result of the activities carried out by ACB/RJ, it is possible to notice how traditional discourses of human rights, environmental awareness, or socioeconomic discrimination are revitalized and reorganized for the material and subjective benefit of the communities that participate in ACB/RJ initiatives. By training participants for the job market according to their skills and social background, and by allowing them, at the same time, to redress the issues of gender, race, or cultural discrimination that affect their lives, ACB/RJ challenges the boundaries between private and public life, the corporate and the social sector, and most importantly, the socioeconomic divisions that exist in Rio de Janeiro.

The actions carried out by ACB/RJ within the context of Rio de Janeiro are expanded today through the organization's involvement in networks of community-based organization and social movements, as well as through ACB/RJ's work and partnerships with the national government, international organizations, and the corporate sector.[117] ACB/RJ is also working with *NGO Ação Comunitária do Espírito Santo* (in the southeastern state of Espírito Santo in Brazil), which was founded as a direct influence from the experiences accumulated in Rio de Janeiro.[118] All of these relations with other organizations and various levels of government have opened up the space for ACB/RJ to share its knowledge, to establish channels of communication with public authorities, and to advance new strategic alliances to provide jobs for its trainees and new market alternatives for its products.

The understanding of social inclusion by ACB/RJ departs in this way not on an isolated treatment of the problems faced by *favela* residents – a strategy usually employed in social inclusion programs that, in a liberal gesture, assume as a rule of thumb the premise that "not one-size fits all" while still operating on the principle that people need to be included into the broader society and the law and development trajectories of their nation-states.[119] Instead, ACB/RJ attempts to re-signify the particularities of the people that benefit from its programs. The aim of this strategy is to generate a very localized counter-narrative to the issues of stigmatization and gender, ethnicity and culture discrimination that

---

117. ACB/RJ website, *supra* note 24.
118. *Id.*
119. *Id*.

underpin the residents' lives in the *favelas*.[120] The final aim for ACB/RJ is to create a space in which its members can live as already valid beings.[121] Official discourses of law and order or economic productivity and local competitiveness are in ACB/RJ discursively and pragmatically recycled in order to unleash their progressive potential while leaving behind their usual formal narrowness. Solidarity, wellbeing, racial, and gender awareness become in these community programs a more solid ground to achieve not simply social integration, but a long-term reconstruction of the city's social fabric.

III. INCLUSION BEYOND ITSELF

Once we assume the intrinsic value of reducing socioeconomic and cultural inequalities in our political communities, the first issue that arises is determining what we understand for social inclusion and up to what point a re-vindication to achieve a greater level of social equality will be valid, just or justiciable. The first case described above, the UPP program in Rio de Janeiro, aims to achieve general security through local intervention and by bringing to *favela*-dwellers not only security, but also the consolidation of their status as citizens through the recognition of their rights, as well as the request of their obligations as citizens.[122] In this sense, the UPP program identifies an excluded individual as one who is deprived of basic goods, which include key material goods, as well as a broader network of social services and the system of civil co-responsibility that emerges from such access to services and goods.[123] As such, and this is not always explicit, the state and society ultimately endorse through the UPP program, as in many other social inclusion initiatives, a conception of justice oriented towards the distribution of goods, whether material goods or civil rights and obligations.[124]

In comparison, ACB/RJ's programs involve a series of activities directed towards the construction of a positive identity that encourages the self-esteem of favela-dwellers and creates meaningful links that facilitate the substantive integration of those members of the community. Emerging from local resources – from what the community itself deems valuable and relevant – ACB/RJ

---

120. *Id.*
121. *Id.*
122. UPP REPORTER, *supra* note 20.
123. *Id*.
124. *Id.*

programs encourage cultural and artistic activities where the stigma that society imposes on the residents of disadvantaged communities might be worked through and overcome. At the edge of prejudice then, a consciousness of creative identity is propelled through ACB/RJ actions, a creativity whose objective is to reshape the day-to-day life of those who lack resources and have been marginalized by governmental structures. ACB/RJ therefore offers another way of perceiving and practicing social inclusion; a way that has as its starting point not the access to basic goods or services and the recognition of civil rights or the request of civil duties, but rather the respect that emanates from communities themselves. Inclusion means, in these terms, to be aware of what others choose for themselves as objects of value regarding society as a whole.

The way social inclusion programs operate depends, therefore, on the idea of justice that they embrace – a point that translates in the form in which social inclusion programs establish who should be included and what conditions are imposed on such inclusion. The excluded, in the general understanding of the term, are those who are outside the focus of consideration or those who have a part of themselves left behind or not taken into consideration by the broader society or, even in some cases, by these social inclusion programs. In this way, someone can be simply left aside in his or her totality by governmental and community structures and programs. But it is also possible to live in a situation in which a fundamental part of yourself is deemed unworthy of consideration because larger interests are at play (for example, state interests) or because these fundamental characteristics are devalued (for instance questions related to race or gender) or because your capacity to express your desires, ambitions and values is put into question. In this sense, speaking simply of those included or excluded using abstract descriptions dictated by jus-political concepts such as citizenship, without determining what our focus is and what it is worth in people's lives, make discussions of "social inclusion" meaningless or even oppressive – as we demonstrated above in the case of the UPP program.[125]

The necessity of delineation of what are the terms of social inclusions is, then, a problem that arises as a result of both a general demand for social inclusion and the demand for a much more substantive equality. We are familiar with the recurrent affirma-

---

125. *See supra* Section I.

tion that we are all equal. Equal in what? Is this an equality in fact or does it have more to do with a normative demand for equality? Once one takes these questions seriously, we need to confirm that we are not equal. What we can claim as a basic premise of modern morality, and the concepts of justice that flow from it, are the universal principles of equal respect and equality before the law or pre-given conceptualizations of how much equality can achieve according to its model and level of development. In other words, as moral actors we assume a principle of equal consideration and we seek to accommodate that principle in our demand for justice.

Justice is thus commonly understood as a synonym of neutrality, impartiality or equality of treatment. We say that a government is just when it guarantees equality of treatment independently of existing social bonds, the conceptions of the good that are held by different social sectors, and the virtues and natural talents of particular citizens. This common approach to justice becomes more complicated, however, when we begin to reflect on (1) who is the *everyone* who justice must serve and (2) how can we interpret the *equality of treatment* or the demand for *equal respect* in our pursuit of justice? Gravitating around these two questions are, of course, the broader concerns about the moral responsibilities that we, "us," have towards subjects in need of economic support and cultural recognition, and the moral obligations of the state or civil institutions as the channels of our individual moral concerns.

If we follow Kant or the universalist tradition – which is the customary avenue to approach questions about justice and equality in the western world – everyone is, and should be, understood as nothing more, and nothing less, than rational beings.[126] The question concerning the reasons for which we should treat all rational beings equally is, for Kant, a question that brings us back to the foundations of morality itself.[127] According to Kant in his *Groundwork for the Metaphysics of Morals* (1785), we are free when we are able to let ourselves be guided by reason alone, that is, when we are able to separate from our sensory motivations.[128] Doing so means, according to Kant, being able to disregard the total content of our will, becoming as a result able to act in accor-

---

126. IMMANUEL KANT, GROUNDWORK FOR THE METAPHYSICS OF MORALS (Allen W. Wood ed. & trans., Cambridge Univ. Press 2002).

127. *Id*.

128. *Id.*

dance with pure formal principles.[129] To know whether we are truly acting in such a way, we should be able to submit our actions to a principle of universalization.[130] In other words, we should choose only actions that can be equally recognized by everyone.

Kant's theory of morality generates an intellectual ground by which to judge someone's actions. However, the strength in Kant's conceptualization does not take into account the issue of up to what extent we accept, or we are capable to even know, that our acts are equally valid for every individual. The Kantian reasoning seems thus to be committed to a concept of reason that affects its own validity. And this is not only because it predicates our capacity to judge our actions, and the actions of others, in "universal" terms. It is also problematic because it assumes that everyone arrives to the same judgment of their actions through an immanent rational process that is "universally" shared. In this way, Kant bases his ideal of universal respect – or morality – on an unusual conception of reason and liberty that left aside important questions about the multiplicity of human experience and reason that we incessantly confront in our everyday lives.[131]

Jürgen Habermas and John Rawls have attempted, in their work, to overcome these problems associated with the Kantian tradition. Habermas, for instance, has been defending the principles of equal consideration as principles of an ideal speech situation.[132] In Habermas, the Kantian conception of purely practical reason is substituted for a conception of communicational reason.[133] Our ability to reflect upon our actions is replaced by a capacity to take part into a discourse with rational foundations.[134] The principles that make possible such foundations are called principles of the ethics of discourse.[135] Now, the problem with Habermas's theory is that it does not explain why by being rational, in the sense of being able to enter into a discourse with rational foundations, we are committed to accept moral principles. Morality here is once again presupposed by the introduction of an artificial conception of rationality that is rather limited in its

---

129. *Id.*
130. *Id*.
131. Maria Clara Dias, *Perfeccionismo e o Princípio Kantiano do Respeito Universal, in* Justiça É Política 123 (Nythamar de Oliveira & Draiton G. de Souza eds., ediPUCRS, 2002).
132. Jürgen Habermas, Moral Consciousness and Communicative Action (Christian Lenhardt et al. trans., MIT Press 1990).
133. *Id.*
134. *Id*.
135. *Id*.

scope. It is a conceptualization that does not consider forms of rationality that are not compatible with the principles that characterize a situation of ideal discourse.

Bearing in mind, not the problem of the foundations of morality, but what should be the premises of a theory of justice able to achieve order in a political society, Rawls has offered a new reformulation of the Kantian perspective. Rawls' theory of justice guarantees the equal distribution of basic goods through impartiality or neutrality in the face of various existing conceptions of good.[136] Justice as fairness, as Rawls calls his theory, consists of the adoption of a process of rational choice to determine the distribution of basic goods, subject to a presupposition of impartiality. Through this mechanism Rawls seeks to establish a neutral political sphere where differing conceptions of goods can survive. Primary goods might be those desired by all rational beings independent of their background and particular conceptions of goods.[137] These goods are rights, liberties, opportunities, power, income and the bases of self-respect.

Importantly, Rawls' analysis of these primary goods takes into consideration two basic capacities: the capacity to take part in a process of social cooperation and the capacity to take part in society as an equal.[138] Trying to escape a metaphysical, psychological, or anthropological conception of humans, Rawls concentrates his theory on a conception of humans that he considers strictly political and normative.[139] People or citizens, in this sense, are those members of society who are able to exercise two moral capacities: the sense of justice and the capacity to develop a conception of the good. They are rational individuals in the trivial sense of the term – subjects capable of understanding logical arguments and evaluating their worth – and also reasonable in the sense that they can be influenced by others. Every citizen needs, then, to be considered as 'capable of revising and changing an idea based on rational and reasonable principles.'[140] Basic liberties and primary goods guarantee and protect that which is necessary for the exercise of the two moral powers that enable them as citizens. In this sense, the "everyone" in the context of the equal distribution of goods and basic liberties refers to the group of cooperative,

---

136. JOHN RAWLS, JUSTICE AS FAIRNESS A RESTATEMENT Section II (Erin Kelly ed., Harvard Univ. Press 2001).
137. *Id.* at 57-61.
138. *Id.* at Section II.
139. *Id.*
140. *Id.*

rational, and reasonable individuals who make up a well-ordered society.[141]

We could say, therefore, that the demand for inclusion, according to Rawls' model, expresses nothing more than a moral/political responsibility to extend the principles of justice to those "citizens" – those rational, reasonable, and cooperative individuals who make up well-ordered societies. So, if we follow Rawls' line of thinking about justice, we would come eventually to an aspect of our moral life that appears counterintuitive: if our moral consideration depends on the possibility of recognizing in the other the capacity to join in a moral discourse, to create, acknowledge, and comply with rights, then those who do not possess such a capacity would not equally be objects of our moral consideration. And, of course, we do not act in this way. We constantly regard beings that do not enjoy such capacities as worthy of moral consideration. The treatment and care of children, the elderly, and pets are clear examples of this. The question of how much we extend, or should extend, the boundaries of our moral responsibility (in other words, how many more subjects could we include in this list of examples?), is beyond the scope of this article. However, it has become clear throughout the world (especially evident in global discussions about the universality of human, animal, and environmental rights) that there are many subjects that today deserve our moral consideration, but that are still unable to take part in a political society as defined by Rawls.

The questions that emerge for us at this point are then the following: Is there an alternative, a more inclusive way, to broaden the definition of the individuals who we believe should be object of our moral consideration? And, is there a more inclusive way to express our respect for those individuals?

Our position before these pressing questions is that the only valid alternative to achieve respect for others in a way that takes into consideration their own characteristics is to abandon the scope of aphoristic descriptions of human beings and submit our theories to permanent evaluation according to our own experience of the world. What is important to discover cannot be done through philosophical investigations or *a priori* conceptualizations of what is right, wrong, or just. The avenue to discover the grounds on which we can talk about meaningful ways of social inclusion are only given by human experience as a whole – includ-

---

141. *Id.*

ing what philosophers, lawyers, economists or public policy experts have to say, but also what each of us has to say as a common person. As a starting point, we could then say that our basic moral demands should be based on principles, which allow each person the full and complete development of his functions.[142]

This relationship between justice and human functions has been recently reintroduced by Amartya Sen and Martha Nussbaum.[143] Sen defends the idea of capabilities as the most appropriate space for the demand for equality.[144] Nussbaum goes further by determining concretely what should be the basic and common capacities/functions of all human beings.[145] Even though Sen and Nussbaum have both popularized and advanced the discussion on functions, we distance ourselves from them in at least two major points. Firstly, different from Sen, we defend not the capabilities of individuals or the liberty of their functions, but the functions themselves as the focus, not merely of an egalitarian concept of justice, but of a moral principle of respect.[146] Secondly, and this time different from Nussbaum,[147] we do not defend a unified conception of that which may be the basic and common functions of all humans. Because we understand that our access to that which may be basic is always empirical and that it depends on rather particular circumstances experienced by diverse individuals, we judge it fundamental to be open to the perception of different forms of functions that, from the point of view of the constitution of the identity of each individual, should be recognized as basic and fundamental.

According to our position, the idea of inclusion, when considered from a moral point of view, means acting in a manner that does not impede or prejudice but rather advances the functions that an individual is capable of exercising and which, in some respects, conform to his own identity. Here we will be considering both the most elementary functions – such as feeding oneself sufficiently or avoiding premature death – and the more complex functions like self-respect, the capacity to establish meaningful

---

142. *See* Maria Clara Dias, *O "bom governo": diretrizes de governo em uma democracia*, 1(1) DIVERSITATES 79 (2009).

143. *See* AMARTYA SEN, INEQUALITY REEXAMINED (Harvard Univ. Press 1995).

144. *Id.* at 7.

145. *Id.* at 91.

146. *See* Maria Clara Dias, *Mind and Person in a Physical World*, *in* MENTE, LINGUAGEM E AÇÃO: TEXTOS PARA DISCUSSÃO 43 (Carlos Mauro, Sofia Miguens & Susana Cadilha eds., Campo das Letras 2009).

147. *See* SEN, *supra* note 143.

personal relationships, the capacity to develop a life's work and build a vision of the world, and the capacity to take part in the socio-political life of a society as a racially, gendered, and culturally distinct being. In this way, and unlike Rawls,[148] we assert that natural qualities and different needs should be considered. And since the functions that each person deems essential may be different, we need as well to put all our effort into understanding the role that the free exercise of certain functions plays in each case.

Inclusion, according to this model, does not necessarily mean becoming a citizen, that is, giving to the individual a national identity as a regular member of civil society with the right or obligation to vote, for instance. Instead inclusion for us means – and this is our main point – *listening* to an individual's own demands and creating conditions so that those outside the social, cultural, or legally established order can express their own identity and live authentically without being the object of violence or the stigmas and the threats created by the society in which they may live without being members.

In our view, there should be a place in our moral perception and idea of social inclusion for someone like Estamira, the main character of Marco Prado's documentary of the same name.[149] Estamira is a sixty-three year-old woman who suffers from schizophrenia, and who has lived and worked for more than twenty years at *Jardim Gramacho*, Rio de Janeiro's rubbish dump and the largest waste disposal site in Latin America. In Pardo's documentary, which covers four years of Estamira's treatment with psychiatric medication, we learn how the life of this woman has been constantly shaken by an endless succession of physical, domestic, racial and economic violence, a situation that has not only altered her sanity, but has also given her an apocalyptic wisdom about our world.

Even though Estamira is mentally fragile and her way of speaking and thinking are tortuous, the documentary generously allows Estamira to tell us what she thinks about the malaises of our Judaeo-Christian culture, our materialistic obsessions, and the reasons and effects of the environmental crisis that we are facing today. This is facilitated by the effective passivity to which one is forced as a cinematic spectator and through a powerful visual and audio landscape conveyed by the documentary's director. The

---

148. *See* RAWLS, *supra* note 136.
149. ESTAMIRA: TUDO QUE É IMAGINARIO TEM, EXISTE, É, directed by Marcos Prado (2004).

documentary constructs, in this way, a space in which Estamira's life and her interpretation of the world become immensely valuable; regardless of how extreme or foreign her life is to us and how troubling Estamira's ideas can be. While doing this, the documentary also makes a great effort not to undermine Estamira's choices. It tells, for instance, how *Jardim Gramacho*, an apocalyptic site in its own right, is the only place that has given to Estamira a community to live, to work, and to find friendship. According to Estamira, she has had only one piece of good luck, and that luck is to have found *Jardim Gramacho*.

Brazilian cultural theorist, Beatriz Juagaribe, has accurately diagnosed how these virtues of the documentary are related to the way in which Marco Prado understands his work as an act of listening with profound respect to what others have to say about their lives and their interpretations of the world.[150] According to Juagaribe: 'Prado does not romanticize Estamira as a holy fool or as a sacred prophet disguised as a poor woman. But neither does he want to stress causal connections that indicate that her poetic vision is merely a compensatory psychological mechanism for the abuse she has suffered.'[151] When we say that there should be a place in our moral perception for Estamira, we suggest, therefore, that we must embrace a conceptualization of morality and justice that allows Estamira to express herself in all of her difference without forgetting the multiple kinds of violence that she has suffered–something that Marco Prado achieves in his documentary. It should then be possible to listen to someone like Estamira without interjecting our judgment or criticisms, thereby learning or taking pleasure in an existence that is different from us and becoming aware of how much listening to others' differences enriches our existence. Importantly, we should learn to listen according to this predisposition while remaining capable of judging the presence of violence and acting against it.

In summary, we propose that respect for each person cannot be just limited to guaranteeing the free access to goods and basic services–for example security–as well as the right to participate in the formal political sphere. If we relate our notion of social inclusion directly to inclusion from a moral point of view, we should keep in mind a variety of agents, for whom the demand for com-

---

150. *See* Beatriz Juaguaribe, *Beyond Reality: Note on the Representations of the Self in Santo Forte and Estamira*, 19 JOURNAL OF LATIN AMERICAN CULTURAL STUDIES 261 (2010).

151. *Id.* at 274.

prehensive citizenship sounds like a long and empty speech. For these people, respect can be better understood as attention, sensitivity, and an open ear to specific demands. In embracing this view of social inclusion we move away from the conceptualizations of justice made by Kant, Habermas and Rawls and, to a lesser degree, Sen and Nussbaum.[152] Our posture would instead be better situated in a political plane that attempts to think through the incommensurable importance of diversity and alterity by challenging preconceived starting points for recognition or inclusion, while still keeping in mind the constructed nature of social disadvantages (e.g., through the misdistribution of resources or the suffering of violence). Philosophers such as Iris Young, Nancy Fraser and Axel Honneth have shed some light on the possibilities and complications of this perspective, and community-based organizations, like ACB/RJ, have already engaged in the actual materialization of this type of approach to social inclusion.[153]

We believe that in moving along this intellectual trajectory, we open for ourselves a space to accept the intrinsic value of letting people who are normally considered unlawful and underdeveloped to choose their own destiny. They perhaps cannot, or do not, wish to participate in politics and take part in the processes of deliberation in the public sphere or the apparent globalization of our cities. But beyond this, as they are an integral part of our moral universe and are people whom we wish to see included as objects of our moral consideration, they possess demands that we cannot fail to hear and, consequently, respect. Our proposal of social inclusion should not be understood, therefore, as an all-encompassing and frictionless process, nor as retrieval from human suffering or social exclusion due to the impossibility to apprehend the enormous diversity of human experience. In our view, social inclusion acquires a productive meaning only once it is the outcome of an absolute attention to the precise demands of those who are marginalized. In meeting these needs, we are usu-

---

152. *See* KANT, *supra* note 126. *See also*, RAWLS, *supra* note 136; HABERMAS, *supra* note 132; SEN, *supra* note 143.

153. *See* IRIS MARION YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE (Princeton Univ. Press 1990); NANCY FRASER & AXEL HONNETH, REDISTRIBUTION OR RECOGNITION?: A POLITICAL-PHILOSOPHICAL EXCHANGE (Joel Golb et al. trans., Verso, 2004). From a different tradition, Emmanuel Levinas and Jaques Derrida have also worked on the value and the limits of alterity. The work of Levinas and Derrida is, however, large and they diverge in many points. Trevor Parfitt has recently analysed their contributions to ethics in the context of this article. *See* Trevor Parfitt, *Towards a Post Structuralist Development Ethics? Alterity or the Same?*, 31 THIRD WORLD QUARTERLY 675 (2010).

ally confronted by the challenge of compromising some degree of our certainty and comfort.

The danger of assuming that we can create a path for total inclusion neglects the deep contradictions that sustain, in the first instance, the exclusion of certain people. If we do not remain attentive to this point, we can simply trivialize the differences that exist between those that are considered included and those excluded, making the idea of social inclusion a rather amorphous and innocuous concept. This blanket assumption that everyone must be included, without accounting for the actual processes by which this inclusion will occur, is a blind spot in Brazilian cities, particularly in Rio de Janeiro today. For example, there is a current tendency in Rio de Janeiro to use *favelas*, in particular images and the architecture of *favelas*, as signs of the present willingness to include *favela* residents into the life of the city. But this appropriation of *favelas* in public discourse often takes place without accounting for how much of ourselves and our existing way of life we would need to alter and sacrifice in order to start a substantive relationship of inclusion.

Sometimes these uses of *favelas* are part of conscientious projects to empower favela residents, as we saw in the case of ACB/RJ programs, or in the case of some *favela* tour companies in which young residents of *favelas* take foreign tourists through their neighbourhoods.[154] In other occasions, the use of images of *favelas* is done by the same favela residents who strategically usufruct international tourists' desire for something "authentic" from Rio de Janeiro.[155] However, there are many other cases in which *favelas* have become simply the object of commoditization and political merchandizing, as in the case of the painting in bright colors of the main façades of *Rocinha* – the largest and one of the most iconic *favelas* in Rio – when ex-president Lula da Silva visited the neighbourhood to open a sports complex in 2010.[156] As a

---

154. On *favela* tours, or poverty tourism more generally, *see* Eric Weiner, *Slum Visits: Tourism or Voyeurism?,* N.Y. Times, Mar. 9, 2008, http://www.nytimes.com/2008/03/12/travel/12iht-14heads.10986274.html (last visited Sept. 12, 2013); Amy Stillman, *Rio Seeks to Boost Favela Tourism,* BBC News, Nov. 9, 2010, http://www.bbc.co.uk/news/world-latin-america-11568243 (last visited Sept. 12, 2013); *Rio Slums are Brazil's Newest Tourist Destination*, The Sydney Morning Herald, Aug. 31, 2010, http://www.smh.com.au/travel/travel-news/rio-slums-are-brazils-newest-tourist-destination-20100831-149o8.html (last visited Sept. 12, 2013).

155. *See* Weiner, *supra* note 154.

156. *New Sports Center in Rocinha will Reveal Talents for the Rio 2016 Games*, Rio 2016, Dec. 26, 2010, http://www.rio2016.com.br/en/rio-2016-now/new-sports-center-in-rocinha-will-reveal-talents-for-the-rio-2016-games (last visited Sept. 12, 2013).

214   INTER-AMERICAN LAW REVIEW   [Vol. 44:2

local resident of *Rocinha* told us, the recently painted façades are pretty but they are also false.[157] On one hand, the newly painted façades have helped to grab the attention of "asphalt residents" to a site that is usually forgotten or that has only been perceived as a dangerous, unlawful and under-developed place. At minimum, the painted façades invite people to look at the magnitude of the neighbourhood and its 56,000 residents. On the other hand, however, these painted façades also confirm how shallow measures of social inclusion can be. In this case, the understanding of social inclusion was so shallow that the only painted walls were those facing the main avenue that borders *Rocinha* (see photos 6-9).

Photo 6. A serialized favela T-shirt sold at *Feira Hippie de Ipanema*. (July 2010). Photo by L. Eslava.

---

157. Luis Eslava, Fieldwork Notes (Rio de Janeiro, July 19, 2010).

Photo 7. Brochure of a Favela Tour.

Photo 8. Street vendor at the *Feira Hippie de Ipanema*, selling paintings of generic favelas (July 2010). Photo by L. Eslava.
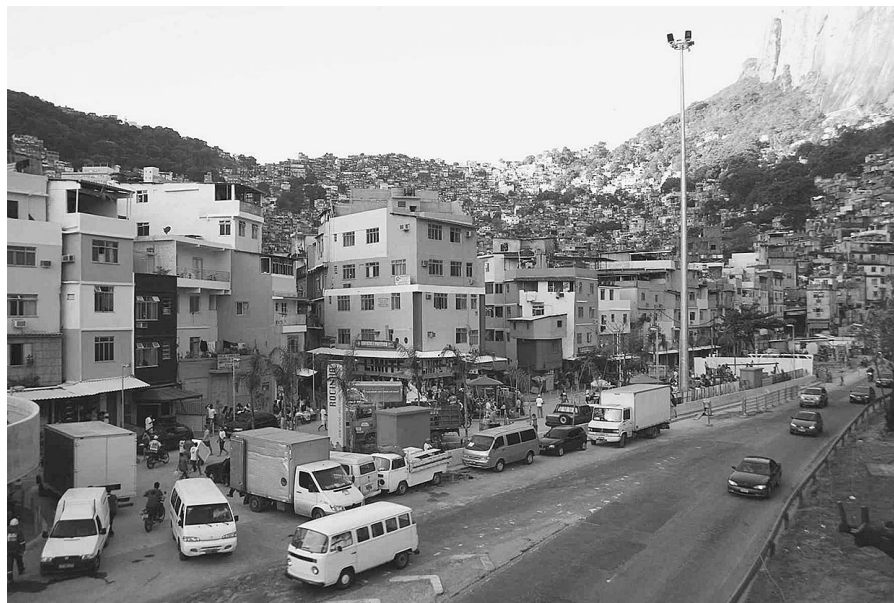
Photo 9. Façades at the entry of the Rocinha favela newly painted in bright colors for the visit of Ex-president Lula da Silva (July 2010). Photo by L. Eslava.

In all of these examples, the intense allusion to *favelas* creates a difficult space to differentiate between substantial attempts to redress issues of socioeconomic segregation, and simplistic uses of *favelas* as iconic sites that can be exchanged for economic or political advantage. In our view, there is therefore a constant risk to *orientalize favelas* and their residents: a process in which a certain exoticization of *favelas* replaces a more serious questioning of how much needs to be done in order to substantially change the living conditions of these places.[158] Resisting this *orientalizing* impulse, which does not mean exactly to abstain from buying t-shirts with drawings of *favelas*, is a task for anyone interested in assuming social inclusion as a serious process of social re-vindication.

Conclusions

In this paper, we examined current debates about social inclusion in Rio de Janeiro through a discussion and comparison of the UPP program and the activities carried out by ACB/RJ. We showed how these two initiatives operate and hold a very specific view – yet in an almost antagonistic way – of the nature of the

---

158. *See* EDWARD SAID, ORIENTALISM (Penguin Books, 1978).

subjects that they aim to serve. We demonstrated how in the way that these two programs conceive the ontology of their subjects, especially in terms of their legality and place in the development narrative of the state and the city, they determine the understanding, operation, and long term outcomes of their social inclusion efforts. In particular, we argued that social inclusion can become an avenue for simply regularizing the life of marginalized population in terms of state law or economic functionality when subjects are generically conceived as unruly and in lack of development, and their life benchmarked according to formal jus-political categories. We also argued how a limited understanding of social inclusion can even exacerbate the proliferation of violence.

In our view the risks associated with a narrow understanding of social inclusion are represented in the UPP program and in the increasing securitization of social relations in Rio de Janeiro. On the other hand, when social inclusion is understood as a substantive avenue to recognize imbalances of power and the incommensurability of human life, social inclusion becomes an instrument to reveal the larger horizons of life within marginalized communities and the society as whole. The programs and projects carried out in ACB/RJ's centers at *Cidade Alta* and *Vila do João* in Rio de Janeiro exemplify this progressive idea of social inclusion.[159]

In our view, when social inclusion programs recognize and respect the diversity and life experience of marginalized subjects, these programs reflect their commitment with a conceptualization of justice that goes beyond abstract assumptions of what it means to be a person worth of consideration. For us, this idea of recognition and respect for others, regardless of their economic and social positioning, is crucial because it preconditions an approach to social inclusion as a process that can supersede the immediacy of technocratic programming or purely economic justifications, which are usually insensitive to the diversity of human needs and experiences. For us, a more productive and morally correct way of understanding social inclusion should involve a proclivity for listening to individuals' own demands and a commitment to create the conditions for those outside the established order to express their own identity and to live authentically. This invitation to listen and generate the conditions for people to live according to their chosen destiny also involves a particular sensitivity, and an

---

159. *ACB/RJ website*, *supra* note 24.

open dialogue for specific demands while remaining aware about the constructed nature of social disadvantages.

We do recognize the difficulties of our proposal. This is why we close the last section by saying that social inclusion, in the version that we propose in this paper, should not be read as an attempt to completely capture people's infinite diversity – which is an impossible task – or that we should simply retreat from human suffering and social exclusion because we need to let people endure the hard conditions that affect their lives. Our proposal is different. It invites us to approach social inclusion as an ongoing process in which we must always observe other people's lives as full of value while assuming an intense predisposition to act according to a sense of collective well-being. Of course, this is a lofty request and it is perhaps another impossible task. It radically questions our ways of being, having, and sharing, making almost impractical from the very beginning our capacity to include meaningfully, to offer full hospitality.[160] However, this idea of social inclusion finds its richness in the tension that is created once we recognize the other's agency and worth and we embrace, at the same time, the moral challenge to contest the *status quo*. For us, this creates a valuable contradiction.

---

160. *See* JAQUES DERRIDA, OF HOSPITALITY (Stanford Univ. Press 2000).