

The Right to Life and Latin American Penal Systems

By EUGENIO RAÚL ZAFFARONI

ABSTRACT: Deaths at the hands of the state in Latin America, through the penal system, are a serious menace to democracy in the region, and they are the worst attacks on human rights. According to the public portrayal of these deaths, it seems necessary to project a continuous war, sometimes as a political war and sometimes as a war against common delinquency. Human rights organizations are usually worried about the first phenomenon and its deaths, but they do not perceive the enormous importance of the deaths produced by the war against criminality, which is publicized by the police agencies to justify the use of their illegal power. Social contamination with common delinquency—and with marginalization in general—is the tool used to inhibit the public denunciation of these deaths—the number of which is frequently higher than the number of deaths caused in cases of open political violence—and to delegitimize any action along that line, especially through the journalists and social operators of the law-and-order campaigns that create the public war atmosphere.

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THE present work is an advance report of the final results of an investigation of the subject, which is part of a project set up by the Interamerican Institute of Human Rights. This investigation comprises the first three years of the project, which will be in progress for another two years. The general topic is that of human rights and the penal systems in Latin America; this subject was examined in a general study that was concluded in 1986. In the course of the earlier study, some alarming information emerged about the large number of deaths caused by the direct action of the penal systems in the region and about the indifference of penal systems in the face of other phenomena that were causing an even larger number of deaths.

The importance of this fact moved us to undertake the first factual study of the subject. The data that disturbed us most concerned the public image of those deaths: except for the cases of missing people, generally related to open political violence, the deaths are announced publicly, that is, they are reported in different ways by the mass media and, in many cases, in complete detail. It is outstanding that police agencies provide exact information and statistics to the mass media. This means that they show an involvement in the publicity as a sign of efficiency in the repressive acts.

The first hypothesis was that the phenomenon was measurable through investigating the press. The facts later showed this to be wrong, as we will see. However, our first investigation was of the press. With the available information we cannot measure the phenomenon exactly, but we can describe in detail its public portrayal and we can establish as well a firm hypothesis concerning its function and mechanics. No

less important are the conclusions we can extract about the real function and the operation of the penal systems.

The study was first faced with the selection of serious newspapers and following in them the image of this phenomenon over five years. This task was done by local teams in the following cities: Mexico City, San José (extended to the whole country), Bogotá, Quito, Lima, Caracas, Maracaibo, Córdoba (Argentina), Buenos Aires, Montevideo (extended to the whole country), Rio de Janeiro, São Paulo, Salvador (Bahía), and Recife. The results were presented in a seminar in Salvador (Bahía) in December 1988 and were discussed with specialists from the United States and Europe, which enabled us to use comparative data and to enrich the hypothesis. The results of the study in the four Brazilian cities were finished too recently to analyze them for this article, so we include only preliminary discussion of this work presented in the seminar in 1988. At present, we are entirely dedicated to preparing the final work. It is a quite difficult task because of the quantity of information. In this article we will consider some hypotheses that have emerged so far and seem to be confirmed by the available information that has been analyzed.

We must comment that these provisional conclusions can be improved and enriched with the addition of more information.

THE PATTERN THAT EMERGES FROM A FIRST APPROACH

The construction of a hypothesis requires, in some way, a theoretical frame. We believe that this study confirms the fact that in no way is a theoretical frame satisfactory for the Latin American criminolog-

ical questions. Until now, at least, the most common versions of functionalism, Marxism, and the sociology of conflicts have not allowed us to explain the phenomena adequately and satisfactorily. In a more extensive way, an approach is achieved through the structuralist version of the Foucaultian "microphysics of power," but it requires an approach that can be nearer to the criminology of dependency as the key to the understanding of the phenomena in the so-called developing countries.

There are two theoretical and undeniable consequences. First, the originality of this phenomenon obliges us to use a syncretic theoretical frame, because the known frameworks do not offer any satisfactory explanation. Even more, the extreme dangerousness of this phenomenon requires, from a human rights point of view, the adoption of a pragmatic criterion: the main aim must be the necessity of controlling the death phenomenon in the region. The second consequence is that all the hypotheses based on theory that pretend to explain the problem on a macro level can completely distort the perception of this phenomenon. This consequence seems to be obvious in any contemporary criminological study, but it needs to be specified because it follows from the first one: the nonexistence of a suitable theoretical frame and the lack of satisfaction caused by the constrained application of the usual ones. As a result, a sequence of intuitive hypotheses is generated, full of emotion, when we, as investigators, are also "cognitive subjects" that have introduced the messages of the penal system and its social control. Whether for conformity or as a reaction, we frequently have politicized intuitions that suppose the presence of a dark hand that controls everything. That is, there is an intentionalism

typical of the conspiracy thesis that, according to preference, explains the problem by the action of national or international complexes.

The phenomenon under study includes different kinds of deaths or threats to the human right to life: (1) deaths in real or simulated encounters with agencies of the penal systems, including executions without due process; (2) deaths caused by jail violence; (3) deaths caused by persons authorized or allowed to carry guns; (4) murders committed by the personnel of the penal systems when off duty; and (5) murders committed by extermination groups. The other subject that was also studied is that of transit deaths, which will be explained in less detail.

The analysis of the recorded information showed us a primary classification of the countries, according to the peculiarities of the phenomenon. On the one hand, there are the countries convulsed by open political violence—that is, an encounter that takes place in the presence of large and violent groups, organized with considerable offensive capacity, with a clear and confessed political design, and that is carried on against both military objectives and executive agencies of the penal system. On the other hand, there seem to be two broad categories of countries that are not beset by such violence: countries with evident social contradictions and an increasing level of conflict; and countries with social conflicts controlled in some way.

Even though it is not possible to analyze the information here, I must explain that this classification does not follow any previous hypothesis but emerges from information that was gathered. Examination revealed how this phenomenon works in urban concentrations, according to where the country falls in the classification. The

public portrayal of the deaths differs, or at least shows a clear tendency to differ, according to the classification.

COUNTRIES WITH OPEN POLITICAL VIOLENCE

It is evident that in two cities in this study, Bogotá and Lima, the deaths caused by the penal system are largely depicted as deaths of subversive elements after armed encounters. The trend is much more evident in Bogotá: there seems to be a large number of deaths corresponding to subversive or countersubversive activities, as well as a considerable number of deaths as a result of ordinary murder. The press does not seem to deliberately intend to hide deaths due to ordinary murder, but news stories on them are relegated to the interior pages and printed with reduced titles. They constitute generic news; they are stereotypical, lacking the details that ordinarily distinguish one death from another.

We must observe that in comparison to Lima, Bogotá has the greater degree of violence, that is, the greater number of deaths. We must agree that, even though our study is not quantitative—the nature of the information forbids this—the fact emerges from it that the number of deaths from Peruvian violence is lower than the number in countries without open political violence, as in the Brazilian cities or Buenos Aires.

In Lima, the other deaths resulting from the penal system are publicized in more detail but not in a sensationalist way. This fact leads us to think that the number of deaths caused by the penal system outside of the open political violence should not exceed the number that is published in the newspapers or at least that the newspapers' figure can be taken as a more or less accurate indicator. In any of these countries we

can say there is not a deliberate intent to hide. There is less information on these deaths in Bogotá because the deaths are not considered newsworthy.

Briefly, then, where open political violence exists, the deaths by the action of penal systems are not considered hidden. Rather, they seem to be considered less important and are therefore given less prominence.

COUNTRIES WITHOUT OPEN POLITICAL VIOLENCE

The cities that attract our attention because of their contrast with the rest are the urban concentrations of the countries that seem to control their own social contradictions without publicizing the deaths. In the context of our study, these are the main characteristics of Costa Rica and Uruguay. Uruguay never had the social contradictions caused by or inherited from the existence of intensive culture, and Costa Rica resolved them by means of a so-called natural democratization that took place.

Both countries—with some exceptions in the past decade in Uruguay—have known a long tradition of constitutional government. The subversive violence and state terrorism in Uruguay in the 1970s was not up to the Argentine level, according to some trustworthy evaluations, such as those coming from human rights organizations in Uruguay. In the case of Costa Rica, one of the main favorable conditions that allowed resolution of the social contradictions is the position that it occupies in the power balance of the Central American region. For Uruguay, it is necessary to remember the notorious emigration of young people. Both Costa Rica and Uruguay have much lower urban concentrations than the rest of the countries, and generally their total population represents one-third of the

population of one of the great Latin American urban concentrations, such as São Paulo, Buenos Aires, Rio de Janeiro, or Mexico City.

The deaths caused by the penal system and publicly made known in these countries are many fewer than in the rest of the countries that are not plagued by open political violence. There are no reasons to suppose that the phenomenon is being hidden. In addition, the evidence leads us to think that the figures are not alarming. The logical deduction is that it was not necessary for social control to seek remedy in publicity and that the corporate interests of the executive agencies do not give rise to any death.

We can say that something similar occurs in the mediterranean region of Ecuador, where the publicity about deaths is limited. We have some information on Quito, and we hope to have more information on Guayaquil, which would be very interesting, given the different characteristics of both cities as urban concentrations in different regions of the same country. With the information coming from Quito, we can affirm that Ecuador seems to be in the middle of both subgroups of not openly politically violent countries.

PORTRAYAL OF
PENAL-SYSTEM DEATHS
IN COUNTRIES WITHOUT
OPEN POLITICAL VIOLENCE

The rest of the cities analyzed present the most interesting and alarming portrayals of penal-system deaths not only because of their seriousness but for what they mean for human rights and for the future of democracy in the region.

Without considering Mexico City for the moment, we can affirm that in these cities, the public announcement of deaths

caused by the penal system has turned into a daily and normal element of information. The number of suspects dead in real or supposed encounters with police forces is indeed high. We must add that in some countries, a considerable number of deaths are attributed to conflicts between marginal groups, but the penal system does not interfere with any preventive action. One cannot dismiss the possibility of alliances between the agencies of the penal system and some marginal groups. We can finally observe in some cities—Rio de Janeiro, Recife—the existence of extermination groups that act with total impunity. All these deaths are publicized in detail. Most of the time they are cruel and unnecessary, especially if we consider that our data come not from the sensationalist press but from the serious media.

It is impossible for us to provide here the figures for each city and country analyzed. Nevertheless, we will mention some figures to illustrate what we have been observing through the analysis of the available information. The figures that we provide fully prove two things. First, the deaths related to the penal system are not the necessary response to violent criminality, because their number is known to vary according to phenomena that have nothing to do with violent criminality. Second, the daily announcement of the deaths does not extend to the international press because it is considered a normal element of information, even though the magnitude of the deaths can be higher than in the openly politically violent countries.

BUENOS AIRES AND
FACTORS EXTERNAL TO
CRIMINAL VIOLENCE

Part of the city of Buenos Aires belongs to the province of Buenos Aires, and part

of the city is federalized. In the provincial part, the city provincial police operate, and in the other part, the federal police do. In 1982 there were a total of 61 deaths by the penal system, 44 of them attributed to provincial police and 17 to federal police. In January 1983 a new wave of deaths occurred in the province of Buenos Aires. These deaths occurred because two months earlier an underground group had emerged among the provincial police backing salary increases and better working conditions. The military dictatorship constructed a convincing image of public security and so the press was controlled; it was not possible to install a law-and-order campaign.

After 1984 the press was not under censorship. At first, with the constitutional government, a liberal reaction was produced in the population, causing police authority to be rejected, public opinion to go against the genocidal army, and so on.

The response was immediate, and a law-and-order campaign was undertaken. The result was a considerable increase in the number of deaths, compared to the time when the democratic government took power. During 1985 the number increased even more. In July the number was considerably higher in the province of Buenos Aires, coinciding with the reform of the procedure code, which forbade the police to give instruction in procedures. The instruction was a task that they had been performing unconstitutionally and that was the source of great corruption. For March we can also observe an increase that coincided with the declaration of the unconstitutionality of the arrest and detention of any citizen for 24 hours—another fount of corruption. A decrease in the number of deaths can be observed for the second half of 1985. The decline coincides with a brutal event—the slaughter of a whole family by the provincial police—with the elec-

tions, and with the broadcast of alarming facts by ultrarightist sectors—according to official reports. For 1986 a recrudescence in the law-and-order campaign is noticed until the middle of the year, when the interior minister was questioned by the Congress, doubting the investigative capacity of the authorities and causing the dismissal of both police chiefs, in addition to the discovery of the participation of police officers in the most savage criminal events emphasized by the press. An abrupt decrease is observed in deaths by the police and it is maintained for some time by the federal police, but it is promptly discontinued in the province. There are obviously different policies emerging from the two police agencies.

Taking the year 1982 as a base, it is fairly clear that with the beginning of the election campaign of 1983 a framework of insecurity was established in the police agencies that increased the number of deaths by 44.26 percent in 1983, still during the dictatorship. This figure rose to 113.11 percent in 1984, during a broad constitutional government, and reached 311.48 percent in 1985, sheltered by a law-and-order campaign that provoked the citizens' insecurity with the approval of the government and certain journalists who held notorious roles during the dictatorship.

In 1986, with the peculiarities that I have already mentioned, the number of deaths decreased, but it was still 145.10 percent higher than in 1982. In data gathered later, we can notice that the time when the figures were lower, even lower than in 1982, was November 1987, the month of the province governor's election and the renewal of deputies at Congress.

If we carefully examine the information we have, it becomes evident that at certain times when the number of deaths increased

notoriously, the number of wounded and arrested in real or supposed encounters diminished, until we have months in which there are no wounded or arrested but only deaths resulting from those encounters. This reveals that on some occasions the aim is to kill. As there is no explanation in the criminal violence for changes in the figures, the percentage of wounded cannot be altered easily. Of every hundred persons participating in real or supposed armed encounters with police agencies in 1985, 81 were killed and 19 arrested; in 1986, 92 were killed and 8 arrested.

It is useful to add that the deaths by the penal system are concentrated. We can establish geographical areas of deaths that correspond to well-defined jurisdictions and police headquarters and that vary with the changes of chiefs.

During the period analyzed, police news passed from the interior pages of the newspapers to the front pages, the amount of space devoted to police news was doubled, and the advertising space on those pages was tripled. This information has been requested from a journal that prints 1.5 million copies per issue and that has a national circulation. It can be considered the most powerful journal in Argentina and the one with the best status, after the breakdown or the public setback of the two old, traditional journals. The total population of the city—federal and provincial sectors combined—is nearly 8 million. We have determined the total number of deaths caused by the penal system to be approximately 700 between 1984 and 1987.

COMPARISON WITH PERUVIAN FIGURES

Because the situation of Peru is much more publicized internationally, due to its open political violence, it is useful to com-

pare Peruvian figures to the figures we have given for Buenos Aires. It is possible to object that the center of the open political violence in Peru is not located in Lima, the city we used in our study. But it is useful to know that the mean number of missing persons in all Peru from 1984 to 1988 was 105 a year: 177 in 1984, 94 in 1985, and between 111 and 117 in the years 1986-88. Besides, we have collected information from the whole country to meet this objection.

The following deaths were attributed to the violence of the penal system: in 1982, 18; in 1983, 20; in 1984, 21; in 1985, 26; in 1986, 62. The public officers who were victims of this violence numbered: 40, 84, 92, 75, and 149 in those same years. The figures for deaths in jail are high: 14, 45, 36, 37, and 256, respectively. The number of citizens killed by terrorist violence is also high: 38, 407, 678, 157, and 198, respectively. This means that facing this violence—which is quite considerable if we judge it by the number of dead citizens—were a number of now dead and missing persons. Those who faced violence in jail or death at the hands of police agencies or were missing persons totaled 307 in 1983, 174 in 1984, 156 in 1985, and 425 in 1986. This last figure includes the deaths caused in Lima's jails in the horrible ways that are publicly known. If we compare these figures with those of Buenos Aires, we will find that sometimes they were higher than or equal to those of Buenos Aires. In 1985 there were 156 dead or missing persons in Peru, but in Buenos Aires the state deaths totaled 251 without any open political violence. For 1986, if we do not count the deaths that occurred in Lima's jails, the figure for Buenos Aires is still superior.

This must alarm us about the nature of the phenomenon: the deaths in a penal system of an openly politically violent country can be fewer than the ones produced in a

country where this kind of violence does not exist. That is, the penal system can be more violent than when reacting against open political violence but, because this circumstance is not being hidden — because the news is published in newspapers of major circulation — announcement of it is not capable of causing internal or international alarm. The deaths are accepted as normal phenomena that do not even mobilize the human rights organizations.

THE CASE OF MEXICO CITY

Mexico City presents a special case in the publicizing of deaths in the penal system. There are solid reasons to suppose that even though news is not hidden, there is at least a carelessness about it, especially about citizens' deaths at the hands of police. There is no available information about the real facts, but the news registered by newspapers is practically incredible, especially if we have in mind the magnitude of urban concentration and the incidence of conflict in Mexico City. Facing this panorama, we cannot believe that the numbers of cases broadcast — 7 in 1982, 22 in 1983, 17 in 1984, and 16 in 1985 — reflect real figures. There is an obvious interest in not announcing the deaths. The numbers of police officers' deaths are announced, however, and they are high: 42 in 1982, 62 in 1983, 55 in 1984, and 60 in 1985. It can be observed that the number of deaths caused by off-duty police officers was 79 in four years and, of these, 33 were also police officers.

In Mexico City, it is quite clear, there is no interest in showing the deaths caused by the penal system. On the contrary, there is a special stress on publicizing the police officers' deaths, although, at the same time, there does not seem to be a serious effort to protect the officers' lives. The latter fact

obviously emerges from the number of victims who are police officers.

WHAT ARE THE CONSTANTS?

What can we infer from a panorama that seems to be so varied? Over the well-known differences there really seems to be a prevailing note that emerges when a conflictive overflow takes place instead of social contradictions.

When open political violence exists, the executive agencies of the penal system feel secure, because they are needed and there is no way to take away the power they possess. When this situation is not present, the efficacy of the agencies is not evident through the exhibition of their so-called war deaths, and these agencies try to recover their secure position by means of projecting another war; because open political violence does not exist any more, there should be a war against ordinary delinquency.

The power of police agencies is transferred in the corporate interests of the agencies, and to preserve them, the power must not be diminished. Police agencies are necessary to political agencies, or at least the latter need the former not to declare a sort of strike of indifference that could allow a chaotic atmosphere to endanger the political system. To face this extortion, political agencies maintain the power of police agencies. Nevertheless, there are sectors of political agencies and judicial sectors that cut or try to cut this power. In addition, the democratic process itself can cut this power, despite resistance by political groups.

The reduction of the police agencies' power in a constitutional system is a structural result of the democratic system and not an effect of the politicians' desire in particular; politicians frequently would prefer to avoid conflicts. This reduction

affects the corporate interests and particularly reduces corruption, which is more or less institutionalized; that is, it decreases licit or illicit incomes. The agencies can maintain their power only by generating another war situation, and that explains the way in which deaths arise in the penal system and their publicity: the determination to show that the penal-system deaths can be explained only by showing publicly the existence of a war and exhibiting the dead enemies.

Such an excuse is not necessary in openly politically violent situations; it is needed only when these situations do not exist or when they end.

Mexico City does not escape this rule. It shows only a different kind of death: police officers'. We must not forget that in Latin America the criminalized, the victimized, and the police belong generally to the same social stratum. The war image is projected in the same way, by showing the enemies' dead bodies or by showing their own dead soldiers. In either case, an image of public war is being projected.

The exhibition of deaths causes public interest. Attempts have been made to explain this interest, and the explanations have taken many forms, from a morbid interest to a natural interest. Whatever type the interest is, the certain fact is that publicizing the deaths attracts and increases the attention. Without censure, the publicity agencies whet the appetite of attention and thereby produce a multiplier effect for the phenomenon. The law-and-order campaign is established easily, reinforced by some journalists who make a more or less conscious contribution by proposing repressive solutions to every single social conflict. We must not forget that the most privileged sectors of Latin American societies are seriously alarmed by any attempt at popular organization in a horizontal form.

POLITICAL PERSPECTIVES

Through these constants we can perceive the political perspectives of the phenomenon. We have already said that we cannot search for a conspiring theory. Maybe only some privileged sectors, with a more or less real degree of consciousness, join their voices through some public opinion operators. But they only join a course already in process; in no way are they the conductors or the promoters of it.

What is certain is that this panorama allows us to conclude that the manifest function of penal systems in Latin America, as being in charge of the guardianship of fundamental rights and principally the right to life, is false. Our penal systems cause an extraordinary number of deaths in comparison with those of Europe, the United States, Canada, and Japan. Those deaths are broadcast in order to maintain an atmosphere of continuous war, which sometimes seems to be a political war and, on other occasions, a war against common delinquency.

This situation is even more evident if we analyze the deaths that occur in transit. The figures are very high, involving nearly 6000 in Argentina and nearly 50,000 in Brazil. The penal system does not take any effective precautions, and the whole normative order does not care about the problem. We have to take into consideration that there is not even provision for a civil reparation, which would be a serious counter-motivation. In Peru, for instance, the amount of an indemnity for death is nearly \$300. The penal system's indifferent omission on this subject is plain. From now on, the penal-system discourse is false and the judicial discourse is completely empty of content.

All this has deeply serious consequences for the political perspective of the

region and especially for its democratic future. It is impossible to ignore the fact that nowadays the productive systems of our countries are suffering a severe contraction, that every day there are more young people rejected by the system, as well as more adult people who are expelled from it. Juvenile marginalization and aggression are a result of the phenomenon of penal-system deaths, as is the adult self-aggression that is transferred into a high number of suicides. The Argentine suicide rate, for instance, is similar to the number of deaths by transit and exceeds the Swedish rate, even if the information on this topic is mostly unknown. Heteroaggression and self-aggression are two effects with the same origin, namely, the anomie produced by the severe contraction of the productive system in a so-called developing society. In this emergency, police agencies that, because of their corporate interests, want to build a war scenario do not contribute to the pacification of a nonpeaceful situation.

We must add that showing the deaths as a daily and normal element in public information—that is, exhibiting the state victims as an everyday source of security—contributes to distorting the public image of the state as supplier of security. It banalizes the deaths and generates the conviction that murder by the state is necessary to control the enemy at war.

The vocabulary used in publicizing these deaths is warlike and generates the paradox that the people perceive death by the state as something easygoing. Such aberration is introjected so much that thinking in any other way becomes disagreeable, a result of a logic branded as idealistic, if not dissolving, subversive, anarchic, or Marxist. Behind all this, the police agencies regain and occupy more positions of power without control, which menace democracy, because they foreclose

the possibility of community organization, something perceived as dangerous by the privileged sectors. The danger then arises of stopping any social development and of producing, in the long term, bursts of irrational public violence.

In the people's sentiment, troubled in a vindictory sense, there is an enormous disdain for the judicial warranties that are always considered as obstacles to the revenge claimed by social operators, sowing hatred and instigating death. The deformation of the public conscience is also alarming.

In addition to this, the judicial discourse is evidently false in the face of the real social impact of the penal system. We are not far from public disdain for rights and their limits. Under these conditions, our penal systems, because of the number of murders caused and tolerated, turn into genocide machinery in our countries. In Argentina, with a population of fewer than 30 million, the penal system causes in Buenos Aires alone four times the number of deaths caused in five years by acquired immune deficiency syndrome in the whole country, and it remains motionless in the face of the primary cause of death among the young: transit.

We believe that there are possibilities for controlling the phenomenon and that some of them are now emerging spontaneously. Despite the violence of the penal system, community action is apparent. Such is the case in Peru: nearly two-thirds of the population solve their conflicts outside the state institutions.

We feel that the process of neutralizing this genocidal phenomenon must be supported and stimulated. At the level of regional human rights organizations, it should be noted that not only should deaths by the penal system in an openly politically violent climate be amended, but so should deaths that occur where there is no such

violence. The deaths are even more dangerous where this kind of violence does not appear. In this article we have not included Brazilian data, but the Brazilian figures are remarkably higher than the ones listed herein. Nor have we considered the rural violence of Brazil, which is a phenomenon left aside in our study.

It is very interesting to note that many human rights organizations only notice the politically violent deaths; when this violence is not present, they do not act. Fear of being discredited as a result of the violation of the prohibition of coalition—that is, the fear of being contaminated by the

victim, who is labeled as an ordinary delinquent—paralyzes those human rights groups from taking any action. What they do not perceive is that this paralysis is extremely dangerous to the political future of the region because the executive agencies feel sheltered and omnipotent, and their power cannot be admitted in any democratic system and particularly in a region that requires effective solutions to problems and where conflict is increasing, because of the crisis in the productive system.

We hope this study can help at least to call attention to the extreme gravity of the phenomenon.

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QUESTIONS AND ANSWERS

Q (Paul Chevigny, New York University, New York City): I have a question about the causal relationship between the authoritarian dictatorships in countries like Argentina. In your talk you say that the creation of a fear of crime replaces the control of a state of war under a dictatorship. Do you think that there was similar police violence before the dictatorship began in 1970? I would ask the same question about Brazil—do you think there was similar police violence in the 1960s? I understand that no one knows for sure. Also, do you think that police violence against ordinary people is one of the causes of the development of the dictatorship?

A: We studied police violence in Argentina for only five years but my personal impression is the following: police violence in Argentina was high for several years, but in the dynamic of our society the power of the police agencies increased and it was power without control. This power without control means corruption, and corruptions means increased incomes to the

police agencies. Of course, during the dictatorships the possibility of extra income is increased, and when a dictatorship ends, police agencies want to expand all of this power, and then we are in a continued process of giving more power to the police agencies without control. There are some accidents that are natural or structural to democracy although the political agencies do not want to have trouble with the police agencies. Sometimes groups, political or civic, try to contain or to control the police power, and here we must be very clear about this problem. Sometimes, we, especially we lawyers, think that if we change laws, we change reality. Sometimes when we change, the effects in Latin America are greater reactions, killing more persons to defend the power of the police against the new liberal legislation. So sometimes liberal legislation, introduced with a worthwhile motive, increases the number of executions without due process practiced by the police.