

WHAT REMAINS OF THE NATIONAL SECURITY DOCTRINE? DSN'S LEGACY  
IN PUBLIC SAFETY POST-1988

*O QUE RESTA DA DOUTRINA DE SEGURANÇA NACIONAL? O LEGADO DA DSN  
NA SEGURANÇA PÚBLICA PÓS-1988*

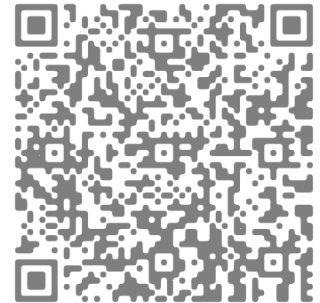
*¿QUÉ QUEDA DE LA DOCTRINA DE SEGURIDAD NACIONAL? EL LEGADO DEL  
DSN EN SEGURIDAD PÚBLICA DESPUÉS DE 1988*



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**ABSTRACT:** This article seeks to analyze the ballast of the presence of the Armed Forces in Brazilian politics in the field of Public Security after 1988. Throughout the 20th century, military interventions in the country's political facts were constant through coups or tutoring civilian governments. This military presence in politics, which dates back to before the Empire and has the Proclamation of the Republic as one of its main milestones, begins to gain a clearer frame during the Vargas Era and consolidates itself with the Military Dictatorship installed in 1964. The guiding thread of the genesis of the military institution into a political actor led to the role of governing the country was the National Security Doctrine, whose elaboration was based on the need, perceived by the leaders of the barracks, to become a cohesive military organization capable of pursuing its political objectives, then conceived as physiological to those necessary for the country. The National Security Doctrine resulted in a national security regime that lasted 21 years and should have been superseded by the 1988 Constitution. Years later, it was deeply militarized, with disastrous consequences for Brazilian society. In this text, therefore, we will highlight the ontology of this doctrine, its central constitutive aspects, and its legacies after 1988, emphasizing the problem of public security.

**KEYWORDS:** National Security Doctrine. Public security. Militarization. Authoritarian legacy.

**RESUMO:** *Este artigo busca analisar o lastro da presença das Forças Armadas na política brasileira no âmbito da Segurança Pública após 1988. Durante todo o século XX, foram constantes as intervenções militares nos fatos políticos do país, através de golpes ou tutelando os governos civis. Essa presença militar na política, que remonta a antes do Império e tem como um dos principais marcos a Proclamação da República, começa a ganhar moldura mais nítida durante a Era Vargas e se consolida com a Ditadura Militar instalada em 1964. O fio condutor da gênese da instituição militar em um ator político conduzido ao protagonismo de governar o país foi a Doutrina de Segurança Nacional, cuja elaboração partia da necessidade, percebida pelos líderes da caserna, de se tornar a organização militar coesa e capaz de perseguir seus objetivos políticos, então concebidos como fisiológicos àqueles necessários ao país. Da Doutrina de Segurança Nacional resultou um regime de segurança nacional que durou 21 anos e deveria ter sido superado pela Constituição de 1988. No entanto, a Constituição “cidadã” não foi capaz de produzir essa superação, sobretudo na Segurança Pública, que permanece, 40 anos depois, profundamente militarizada, com consequências desastrosas para a sociedade brasileira. Neste texto, portanto, destacaremos a ontologia desta doutrina, seus aspectos constitutivos centrais e legados após 1988, acentuando o problema da Segurança Pública.*

**PALAVRAS-CHAVE:** *Doutrina de Segurança Nacional. Segurança Pública. Militarização. Legado autoritário.*

**RESUMEN:** Este artículo busca analizar el lastre de la presencia de las Fuerzas Armadas en la política brasileña en el campo de la Seguridad Pública después de 1988. A lo largo del siglo XX, las intervenciones militares en los hechos políticos del país fueron constantes, a través de golpes de estado o tutelaje de gobiernos civiles. Esta presencia militar en la política, que se remonta a antes del Imperio y que tiene como uno de sus principales hitos la Proclamación de la República, comienza a tomar un marco más claro durante la Era Vargas y se consolida con la Dictadura Militar instalada en 1964. El hilo conductor de la génesis de la institución militar en actor político que condujo al rol de gobernar el país fue la Doctrina de Seguridad Nacional, cuya elaboración se basó en la necesidad, percibida por los jefes de los cuarteles, de convertirse en una organización militar cohesionada y capaz de persiguiendo sus objetivos políticos, concebidos luego como fisiológicos para aquellos necesarios para el país. La Doctrina de Seguridad Nacional resultó en un régimen de seguridad nacional que duró 21 años y debería haber sido reemplazado por la Constitución de 1988. Años después, profundamente militarizado, con consecuencias desastrosas para la sociedad brasileña. En este texto, por tanto, resaltaremos la ontología de esta doctrina, sus aspectos constitutivos centrales y legados posteriores a 1988, enfatizando el problema de la Seguridad Pública.

**PALABRAS CLAVE:** Doctrina de Seguridad Nacional. Seguridad Pública. Militarización. Legado autoritario.

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## Introduction

“Why did I join the police? I always wanted to be in the military, and always had this fascination. I wanted to be part of real action. Maybe, in the Armed Forces, I wouldn't have that opportunity. [...] I am participating in a war. It turns out that I am going home every day; that's the only difference. Our war is daily in these hills of Rio” (our translation)

Rodrigo Pimentel<sup>2</sup>

The contemporary crisis of Brazilian democracy, which culminated in 2018 with the election of a candidate known for authoritarian positions, is, like everything in history, composed of multiple reasons. In this text, I intend to focus on one of the most important aspects of this problem: the legacy of the National Security Doctrine (NSD) in Public Security.

Today, almost four decades after the promulgation of the 1988 Constitution, we can observe the consequences of this legacy destabilizing the Brazilian democratic project, challenged to endure levels of armed violence typical of countries at war. This scenario mobilizes militaristic and securitizing discourses from the State and significant sectors of civil society.

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<sup>2</sup> Former captain of the Special Operations Battalion (Batalhão de Operações Especiais - Bope) of PMERJ.

The root of the problem lies precisely in this securitization<sup>3</sup>. It revolves around the NSD, which promoted militarized Public Security institutions based on a logic of combating the “*internal enemy*”, inconsistent with the typical order pattern of the Modern State (ELIAS, 1994). This situation, often translated by the press and public opinion as “urban warfare”, is symptomatic of an exclusionary policy of modernization combined with high levels of repression within the securitization framework promoted by the NSD. In other words, we can affirm that the escalating violence in Brazilian cities is one of the most visible products of the authoritarian regime (1964-85) in Brazilian order. And the root of the problem, deeply rooted in the State and society, is the National Security Doctrine.

To connect these dots, I propose a discussion on the relationship between the NSD and this public insecurity scenario based on two processes: the persistence of the concept of National Security as guidance for Public Security in the 1988 Constitution, with the consequent militarization<sup>4</sup> of the Public Security Agencies (OSP)<sup>5</sup>; and the assimilation of the “war on drugs” doctrine by the NSD, taking some aspects of violence in the city of Rio de Janeiro to illustrate the empirical developments of this institutional orientation, to demonstrate how militarization fosters violence and degrades the conditions for the consolidation of the democratic order envisaged in the Constitution.

The discussion is organized as follows: in the first part **(1)**, I briefly outline the development and central and persistent aspects of the National Security Doctrine (DSN); then, I focus on authoritarian enclaves in the 1988 Constitution, emphasizing the military's “guardianship” over the transition and the continuities of the DSN in the Public Security apparatus **(2)**; finally, I analyze Brazilian Public (In)security based on the articulation between the DSN and the “War on Drugs” policy, using the city of Rio de Janeiro as a case to demonstrate the legacy of the DSN as a securitization framework that produces armed violence, insecurity, and democratic degradation **(3)**.

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3 I define “Securitization” as the discursive movement that aims to present and elevate a threat to the perception of urgency to promote responses based on exceptional measures, expanding the framework of repression and militarization in Public Security policies in an attempt to restore an order considered threatened or lost. As a consequence, we have more violence and the establishment of a public order increasingly inhospitable to rights and democracy (Buzan; Wæver; De Wilde, 1998).

4 I start from the definition of “militarization” as a phenomenon that is immanent and inherent to war, the use of the most radical and politically oriented violence for the elimination of an enemy.

5 Public security agencies.

## National Security Doctrine

The DSN was the institutional result of a process of military professionalization focused on internal order. There is extensive literature accounting for this process, which is beyond the scope of the proposed focus here. Nevertheless, it is essential to emphasize some conceptual observations about it, only with the purpose of contextualizing the sociological and political connections of the DSN historically.

### The “army’s policy” and the development of the concept of National Security

We can summarize the situation of the political use of the Armed Forces (FFAA) until the mid-20th century as follows: lacking the need and operational capacity beyond borders and relatively isolated, the Armed Forces followed a path for internal use based on the conception of being “promoters” and “guardians” of national order. This role is based on a type of professionalization aimed at an active role in internal order, which Stepan (1986) called “new military professionalism”. This would be the ontological basis of the future DSN.

Nevertheless, in the early 20th century, the Army was deeply divided in disputes among rival groups that saw politics as a means to maximize their power within the organization. Coelho (1976, p. 71, our translation) refers to this phase after the Sword Republic (1889-94) as the “cooptation policy” when the civilian elite, returning to power, “was not indifferent to the aspirations of military personnel eager for the benefits of bureaucratic positions in military administration or for modest participation in political leadership. Thus, the cooptation of the military elite became possible [...]”.

It is primarily in opposition to the cooptation policy that the Tenentista movement<sup>6</sup> emerges, translating a concept of intervention to be conducted by the institution and not by military personalities. This was the most important turning point: the emergence of an impulse that shaped the Army as a cohesive political actor to oversee/lead the country’s political direction.

According to Carvalho (2005, p. 51, our translation), the “pacification movement” that ousted Washington Luiz “was the first takeover of power by the military planned and executed by the top echelons [...]”. The “pacification” of the 1930 crisis was made possible by the flexible

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<sup>6</sup> A movement of political and military revolt that emerged among the lower-ranking officers of the Brazilian army dissatisfied with the politics of the First Republic

interpretation of the provision to respect and guarantee constitutional powers “within the limits of the law” and was the first rehearsal of a more organized Army as a determining factor in national political life.

Indeed, from 1930 onwards, the Army assumed an increasingly solid institutional role in an intimate relationship with the State, which quickly took shape in a military doctrine. For Góes Monteiro, one of the prominent officers at that time and the main architect of the New State, the Army would be

essentially a political organ, and it is fundamentally interested in truly national politics. [...] Since the Army is essentially a political instrument, collective consciousness must be created in the sense of making the Army's politics, not politics in the Army (CARVALHO, 2005, p. 103-104, our translation).

The next step was to eliminate internal dissensions. After quelling the communist uprising of 1935, the Army moved towards more unity by eliminating factions allied with Prestes. Anti-communism became the ideology that served to unify the Armed Forces (MONTEIRO JÚNIOR, 2017), and the fight against the internal enemy was normalized. Thus, in 1937, the New State incorporated a national security project based on the articulation between economic nationalism and internal repression.

After the end of World War II, the Vargas government lost political support following its approach to the working class, leading to irreparable antagonism with the military. The beginning of the Cold War, marked by anti-communism and consensus on the need for modernization, saw the establishment of the Escola Superior de Guerra (Superior War School or ESG) to promote collaboration between civilian and military elites to “build a cohesive body of doctrine and tools to be used by rulers in the conquest and maintenance of a state of security” (COSTA, 2008, p. 70 our translation). The embryo of the National Security Doctrine (NSD) appears, according to the ESG doctrine, through the following provisions:

- 1- The unpreparedness and inefficiency of political elites.
- 2- The inadequacy of political structures and government institutions in addressing issues of economic development and national security.
- 3- The political naivety and cultural characteristics of the Brazilian people make them an easy target for communist action.
- 4- Infiltration of the international communist movement in all areas, sectors, and social institutions, an action that characterizes *internal aggression* (OLIVEIRA, 1976, p. 22-23, our translation).

It is from these elements that the ESG will question the capabilities of state institutions, considered incapable of balancing development with national security. “Hence the genesis of

national security: the survival of a social and political order established by civilian and military elites that is above the constitutional order or popular sovereignty” (LENTZ, 2021b, p. 50, our translation)

Subsequently, the 1950s marked the escalation of military insubordination, culminating in the 1964 coup. The military coup solidified the political protagonism of the military and institutionalized the NSD, aimed at shaping generations of civilians and military personnel imbued with a sense of guardianship over the nation.

### **National Security: Doctrine**

According to Saint-Pierre and Vitelli (2018), in certain circumstances, the security of citizens can be threatened under the argument of state security, even if the ultimate purpose of the State, the central commitment of the sovereign, is precisely the security of its citizens. Regardless of the target of the threat, it poses a serious risk to society when a government, under the pretext of security or maintaining the integrity of the State, resorts to institutional exceptional measures.

As we know, the emergence of this type of regime – national security regimes – in Latin America was conditioned by changes at the national and international levels. According to Stepan (1975, p. 128, our translation), the expansion of

revolutionary war doctrines and, specifically, the rise of Castro, engendered a complex set of responses in the military: fear of communism [...], the development of counter-insurgency doctrines, and the conviction that a basic change was necessary to prevent revolution. [...] The military began to concern themselves with civic action, their role as 'nation builders', and global development plans. These responses implied a considerable expansion of the military's role and a belief in the legitimacy of these new roles. All these ideas were advocated by the United States and taught in its schools for Latin American military personnel.

Given the geopolitical context, the central nerve of the National Security Doctrine (NSD), the issue of national security, would be “the function of the rational maximization of the economy’s product and the minimization of all sources of division and disunity within the country” (STEPAN, 1975, p. 132, our translation). This product could only be obtained through state planning, which, from the beginning, suggested the need for a strong and authoritarian government.

In the early 1960s, as the crisis that would culminate in the coup escalated, the ESG increased its emphasis on “internal war” in its courses, combating subversion and gaining

increasing influence in the Armed Forces<sup>7</sup>. It is in this context that the NSD defines the role of the Armed Forces in society, which can be systematized as follows:

- The Armed Forces are essentially a political organ, and instead of politics being carried out within the Armed Forces, politics should be made by the Armed Forces.
- The principles of military organization should govern national reorganization. That is, they are not political models but organizational models more suitable for national reorganization. Once the nation is reorganized in these molds, the State must have a centralized profile, and the Nation must be mobilized by strong governments supported primarily by the Armed Forces.
- These principles of national reorganization must discipline civil society and allow maximum efficiency in various areas of national activity.
- In the Security-Development binomial, the first term must be understood as an indispensable “production factor” for Development. And it is the military organization's responsibility to produce this factor.
- The State is the instrument for mobilizing collective action. Loyalty to the State must take precedence over all others.
- Centralization of power is indispensable as a guarantee of national unity. This way, divisive individualism and clientelist preferences, such as those that prevailed in relations between the government and the States, are avoided.
- Economic development is a fundamental objective. The expansion of areas of dissent and antagonism is associated with the widening gap between aspirations and their satisfaction. Economic development will reduce this gap and increase the area of consensus. The task of promoting economic development falls to the nation as a whole. And it requires discipline, austerity, sacrifices, and renunciations on the part of individuals and groups (COELHO, 1976, p. 166-175, our translation)

This architecture, according to General Golbery, another important architect of the doctrine, defines national security as “the relative degree of guarantee that the State provides to the national community for the achievement and safeguarding of its objectives, despite internal or external antagonisms, existing or presumed” (COSTA, 2008, p. 74, our translation). This definition resulted in the National Security Law, which from 1967 to 1978

illustrates the effects of the National Security Doctrine, elaborated by the ESG, thus defining its object: ‘Art. 2. National Security is the guarantee of the achievement of national objectives against internal and external antagonisms. Art. 3. National Security essentially comprises measures aimed at preserving external and internal security, including the prevention and repression of adverse psychological warfare and revolutionary or subversive warfare’ (COSTA, 2008, p. 43, our translation).

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<sup>7</sup> In 1968, the year of AI-5, the curriculum dedicated 222 hours of classes to the theme of internal security, 129 hours to irregular warfare — especially French manuals produced in Algeria—and only 21 hours to topics related to the classic, conventional functions of the Armed Forces, such as territorial defense, among others (Stepan, 1975).



Continuously, the manual “Foundations of National Power” from 2022 by the ESG reveals the “permanent national objective” as the preservation “of the nation or community through National Security Policy”. The manual does not emphasize the concept of the individual, and when referring to “collective aspirations”, it refers to both “People” and “Nation”. Following the document:

The study of the Foundations of National Power – **Man, Land, and Institutions** – allows for the analysis of National Power, whatever its structure. **Man** presents himself as the core of spiritual values and is, therefore, the highest value of a nation. The aforementioned understanding, revealing total anthropocentrism, recognizes its role as the essence of National Power and positions it as an agent and beneficiary of this Power (ESG, 2022, p. 35, emphasis in the document, our translation).

Regarding the concept of “nation”, we have:

A complex group, constituted by distinct social groups that, occupying the same territorial space or not, share the same historical-cultural evolution and the same values, driven by the will to share the same destiny (ESG, 2022, p. 19).

The “destiny” reinforces the teleological idea of security and development with a monocratic direction, reinforced by the absence of any mention of the individual regarding freedom in the manual. In this sense, the government aims to develop the “national body”, which at least suggests the suppression of individual rights in favor of national objectives defined by the ruling elite. This elitist profile becomes even more visible in the following passage on page 64, which conditions the country’s course to a history guided by the dominant classes: “It is up to the elites, in general, and the intellectual and political elites in particular, the historical task of finding and pointing out to the Nation how it can, without losing its identity, use or adjust its historical conditioning to build its future” (our translation).

We note, therefore, substantial continuities of the National Security Doctrine (NSD) in the institutional culture of the Armed Forces (FFAA), which explicitly demonstrate the persistence of military interventionism based on a sense of guardianship over the nation, whose leadership they continue to consider inaccessible to popular sovereignty. Also, the text suggests an incompatibility between the security/development binomial and democratic order. From this perspective, war, and strategy are the only reality and the response to everything, and internal order must be securitized (against the unprepared people or communism) under the relentless law of Brazilian history, which sees our citizens “[...] anxious for a leader and politically foolish”. Indeed, the concept of national security remains mobilized to maintain internal order

based on an “extraordinary simplification of man and human problems” (COSTA, 2008, p. 87, our translation).

### **The National Security Doctrine and the 1988 Constitution**

The process of political opening was marked by constraints imposed by the military during the Constituent Assembly, reflecting the broad spaces of power gained during the authoritarian regime. Among other achievements, the military ensured the preservation of control over the Public Security apparatus, which remained practically unchanged from the previous period. To demonstrate this, let us first consider the military presence in the Constituent Assembly and then examine the legacy of the NSD in the 1988 Constitution, emphasizing the militarization of Public Security.

#### **“Tutelary” Transition**

I first draw attention to the conditions of the Brazilian political opening process, defined by Linz and Stepan (1999) as “friendly tutelage”. Understanding how the military’s relationship with the Constituent Assembly unfolded is important because, as Andrade (2017) observed, the Constitution is a “legal statement” contextualized politically and historically and “endowed with meaning”. Therefore, it matters not only what is in the enacted text but how and by whom it is enacted. According to Mathias and Guzzi (2010, p. 50, our translation):

The process that led to the current Constitution shows that one could not expect a substantive revision of the functions and missions of the Armed Forces. The very form that the elaboration of this Charter took, precisely the one that (re)founded democracy in the country after a long period in which institutionalization was built at the point of bayonets, was not even autonomous. Instead of a Constituent Assembly, Brazil formed a Constituent Congress, and, worse, the result of an electoral process in which the majority of the population did not even know they were electing those who would represent them at the inauguration of a new legal order in the country.

In this conservative environment and under military tutelage, the drafting of the text took place through conditions such as the veto of the Ministry of Defense and the imposition of Articles 142 and 144, preserving the Armed Forces’ prerogatives of control over the country’s internal security (STEPAN, 1986; CARVALHO, 2005).

The military tutelage<sup>8</sup> over the constituent assembly reflected the prominence of the military in that process, and the pressure on the re-democratization assumed other contours. In addition to the organized lobby by the Armed Forces, which sent thirteen senior officers to represent their interests, the duration of José Sarney's transitional government stood out as the "longest interim government in the history of transitions" (ZAVERRUCHA, 1994, p. 17, our translation), signaling a significant interest in delaying the process. According to Zaverucha:

Instead of attempting, as Adolfo Suárez did (in Spain), to establish civilian control over the military, José Sarney preferred to accommodate the interests of the military. This accommodation, moreover, was not only from the president but also from the Congress. The 1988 Constitution practically left unchanged the content of the relations between civilians and the military established by the authoritarian Constitution of 1967 and its 1969 amendment. The accommodation, which did not cause major upheavals, was obtained through a tacit agreement, defined as friendly tutelage, which can be explained as the result of a local balance. This result favors the Armed Forces, as they preserve their veto power in matters related to maintaining order and law without bearing the burden of governing a country in crisis. [...] The president (Sarney) even declared that the army was one of the strongest bulwarks of the transition to democracy (IBIDEM, p. 224, our translation)

One of the most tangible aspects of tutelage was the fact that the commission responsible for drafting the chapters on the Armed Forces and Public Security was chaired by Senator Jarbas Passarinho, a retired colonel and former minister in the Costa e Silva, Médici, and Figueiredo governments, and also one of the signatories of AI-5 (ZAVERRUCHA, 2010). As if that were not enough, the Subcommittee on the Defense of the State, Society, and its Security

was spokespersoned by Deputy Ricardo Fiúza, one of the leaders of the conservative coalition in the Constituent Assembly. [...] Fiúza worked against the attempt to end the Army's control over the state Military Police. Instead of separating the forces responsible for internal order from those responsible for external order, as well as enforcing the precept that, in peacetime, federal military troops are reserves for state Military Police and vice versa in wartime, Fiúza chose to favor the autonomy of the Armed Forces. [...] This situation sets Brazil apart from other democratic countries that have police with military aesthetics (ZAVERRUCHA, 2010, p. 46, our translation).

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<sup>8</sup> According to Penido, Rodrigues, and Mathias (2020, p. 16, our translation), "tutelage" can be defined as "the form of indirect control of state power by the Armed Forces. It replaces the direct exercise of political power with the indirect control of those who legally exercise it, almost in a paternal attitude toward the tutored subject, considered incapable of being responsible for their actions". In this sense, the concept of "tutelage" implies that the military sees themselves as better prepared to think strategically in relation to civil society. In this regard, "the Armed Forces are not a moderating power, much less neutral, in cases of crisis. The military is aware of the civilian posture of trying to use them in the service of the faction in power or its opposition. At the same time, the military stratum has its corporate interests, such as formulating a doctrine compatible with the importance they attribute to themselves".

Tutelage is also well reflected in the reaction of General Leônidas, Minister of the Army during the Sarney government, when he threatened to “zero out” the Constituent Assembly if the demands of the Armed Forces were not met (ANDRADE, 2017).

Thus, the space reserved for the Armed Forces in the post-1988 constitutional order meant “a compromise solution among different actors, especially the constituents and the military themselves. Under the agreement, the military continued as guardians of national values, and civilians could continue with their democratic project” (MATHIAS; GUZZI, 2010, p. 50, our translation).

From there, the question that interests us is: what is the space and role occupied by the Armed Forces in the Public Security apparatus in the 1988 Constitution?

### **Authoritarian Enclaves in the 1988 Constitution**

According to Zaverucha (2010), although the new Constitution addressed various issues progressively, “this was not the case for civil-military relations. The Constitution maintained many non-democratic military prerogatives existing in the past authoritarian Constitution and even added new prerogatives.” At that time, politicians and intellectuals chose not to properly question the military regime's authoritarian legacy. Worse, by providing constitutional veneer to military prerogatives, they democratically legitimized the extensive powers of the barracks. “In procedural terms, the process of drafting the Constitution was democratic. However, the essence of the result was not liberal” (ZAVERUCHA, 2010, p. 43, our translation)

During the Cold War, the military regime sought legitimacy<sup>9</sup> against the backdrop of the “revolutionary war”, based on Decree-Law No. 898/69 – the National Security Law. According to this law, the threat of the “internal enemy” would require social cohesion and exceptional measures validating any possible means. This was the ideological system behind the torture and homicides committed by the military regime: a legal concept of internal threat transgressing human rights, which posited national security and individual freedoms as mutually exclusive objectives. In this sense, liberal democracy would be an obstacle to security, and the securitizing discourse legitimized itself based on the new threats of the post-Cold War era, notably drug trafficking.

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<sup>9</sup> It is important to underline that the national security regime produced extensive ramifications in the legal sphere. In 1971, in the full force of AI-5, the work “Direito de Segurança Nacional” (National Security Law) was published, which “attempted to systematize in the legal literature of that period the dogmatic foundations for the legitimation of the authoritarianism of state actions” (ANDRADE, 2017, p. 30).

Embracing this ideology, the military managed to contain substantial changes in the Public Security Organizations (OSP). The militarization of the police is the critical point of this legacy, establishing them as paramilitary organizations at the disposal of the executive power of the states and, at the same time (ultimately), subject to the disciplinary and hierarchical control of the Army. This created confusion about the subordination of these forces. Ultimately, as immediate reserves of the Army, as prescribed in Article 144, they are a direct extension of the federal military force.

With few exceptions, such as the UNE and some constituents like José Genoíno and Márcio Thomas Bastos, the constitution of the Public Security System was not a matter of popular interest. The discussions were therefore restricted to specific OSP institutions. Although, parallel to the lobbying for militarization, some delegates advocated for a single and career civil police, in the draft of the text, yielding to pressure from the military faction, the representatives of the Civil Police ended up accepting a compromise solution, with two police forces, with the PM destined for ostensive patrolling, clearly diminishing the prerogatives of the Civil Police (ZAVERRUCHA, 2010; SOARES, 2019).

This resulted in a Constitution very close to that of 1967, whose Decree-Law No. 317 reorganized the police by creating the Inspectorate General of the Military Police (IGPM), linked to the Army and commanded by a Brigadier General. Preserving this architecture during the Constituent Assembly, the military police remained institutionalized as extensions of the Army (Article 144, paragraph 6) and their *ethos* is informed by Decree No. 88.777, 1983, an extension of two previous decrees from 1969 and 1975 (LENTZ, 2021b, p. 49). Although executive control of the police was withdrawn from the Army in the 1988 Constitution, “they remained as auxiliary and reserve forces [...] and retained military characteristics. They became small armies again that sometimes escape the control of governors” (CARVALHO, 2008, p. 213, our translation), as the military’s veto on the appointment of commanders by civilian authorities (the governors) was maintained after 1988. Moreover:

To complete the incorporation process, these police forces assumed the *purpose of ostensive and preventive territorial policing*, internalizing in their regulations and in the military statute their destination for internal *security and defense*, in terms of the national security doctrine, including their intelligence service *integrated into the Army’s intelligence service* (LENTZ, 2021b, p. 49, emphasis in the original, our translation).

Continuing this thread, Article 142, which, together with Article 144, constitutes the main authoritarian enclave in the text, states that the Armed Forces are “destined for the defense

of the homeland, the guarantee of constitutional powers, and, at the initiative of any of these, law and order”.

However, would it be possible to guarantee what it submits to? There is a logical gap in this part of the text, opening space for many interpretations and controversies regarding one of the crucial points of the Brazilian constitutional order.

In a democracy, power is not granted to those with force, but, on the contrary, force is placed at the service of power. In Brazil, a Constitution was established and precisely handed over to those most tempted to violate it, the task of maintaining its supremacy. Now, if the military is a guarantor, they also become organizers of political life. The Armed Forces cease to be a means to become, when necessary, an end of the State. The constituents used a democratic procedure to confer on the Armed Forces a role that may become incompatible with liberal rights and the will of the majority (ZAVERRUCHA, 2010, p. 49, our translation).

An important change was introduced by Complementary Law No. 69, 1991, which established that the Armed Forces could intervene in internal affairs if the police forces prove incapable of ensuring “social peace”. Notwithstanding this advance, this clause has been routinely violated (IBIDEM, p. 51).

The problem is the very definition of this necessity. As argued by Muniz and Proença JR. (2007), the Armed Forces can and should act internally “whenever necessary”. The problem lies in the political sphere, in decision-making, which needs to determine when there is such a need. One of the problems with Article 142 is that there is no clarity about what is meant by “order”. The term appears several times in the Constitution, such as “internal and international order” in the preamble of the text; “constitutional order” (in Article 5, XLIV); “public and social order” (in Article 34, III, and in the headings of Articles 136 and 144); “economic order” (in the heading of Article 170); and “social order” (in the heading of Article 193). “Thus, the Armed Forces guarantee constitutional, public, political, social, and economic order. What power!” (ZAVERRUCHA, 2010, p. 49, our translation)

Order is not a neutral concept, and its operational definition, at all levels of the political decision-making process, involves choices that reflect the dominant political and ideological structures. Therefore, the notion of (dis)order involves ideological judgments and is subject to stereotypes and prejudices about the (un)desired conduct of certain individuals (IBIDEM, p. 50, our translation).

However, the poorly defined contours of this “order” leave no doubt about its authoritarian nature. In this sense, the structure<sup>10</sup> of the military police<sup>11</sup> is designed to respond to a threat that needs to be determined, which completely deviates from the responsibilities of a democratic police institution. Additionally, the condition of being a reserve for the Armed Forces is something common only in authoritarian regimes. In democracies, it is the Army that constitutes a reserve for the police, employed to assist when the police cannot quell social disturbances — except during wartime when, for understandable reasons, the police forces go into reserve for the Armed Forces. “Democracies draw a clear line separating the functions of the police from the functions of the Armed Forces” (IBIDEM, p. 52, our translation).

Finally, it is important to mention that the Constitution mentions the word “war” no less than ten times (articles 5th, 21st; 22nd; 42nd; 49th; 84th; 137th; 148th; 154th) and “conflict” only once, in Article 138. “It is the conception of the defense of the State prevailing over the defense of the citizen” (IBIDEM, p. 69, our translation).

This institutional framework shaped by the National Security Doctrine poses colossal challenges for the development of Brazilian democracy or something even worse: a subterranean authoritarian structure within the Brazilian Republic.

### **National Security Doctrine and Public (In)security**

In this final section, we delve into the implications of the National Security Doctrine (NSD) on Public Security, guided by a process of securitization targeting the peripheries. It is the transformation of the peripheral subject into an enemy that sustains and legitimizes this process, following the logic of the “war on drugs” that frames Public Security post-1988.

### **Militarization and Securitization**

According to Linz and Stepan (1996, p. 24, our translation), a consolidated democracy, in constitutional terms, is considered when “both governmental and non-governmental forces throughout the state territory submit to and become accustomed to resolving conflicts within laws, procedures, and institutions sanctioned by the new democratic process”.

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<sup>10</sup> This structure can be summarized as follows: military hierarchy and discipline; designed as a reserve force of the Army; prohibition of political affiliation and specific eligibility conditions; prohibition of unionization and the right to strike; militarized structure and character concerning ranks, prerogatives, rights, and duties. This institutional architecture also applies to the Military Fire Department.

<sup>11</sup> Although militarization has been more prevalent and problematic in the military police, it has also affected the Civil Police, Federal Police, and the Penitentiary System. All these institutions are subject to a militarized *modus operandi*, which is, in essence, based on the definition of an internal threat.

Following this reasoning, it is challenging to consider Brazil a consolidated democracy. The scenario of insecurity and daily violence in Brazilian metropolises highlights serious limitations in our democratic process, stemming from the legacy of the NSD, especially in the field of public order/security.

From public security and public order<sup>12</sup> comes the purpose of providing responses to the phenomenon of criminality through repression and prevention, compatible with the primary right to freedom. This relationship consists of opposing vectors: the greater the securitization, the narrower the space for individual freedoms.

Therefore, a state doctrine that prioritizes security or the pursuit of security tends to antagonize democracy. The relentless need to achieve security implies the permanent definition of threats, generating social discomfort through constant suspicion and repression. This configuration of threats corresponds to a concept of security geared towards combat, thus positioning itself outside the bounds of the Democratic Rule of Law.

Hence, we return to the NSD as a securitization process aimed at "overcoming, through the discourse of law and order, either the alleged threats posed by communism and radical left-wing movements and parties, or based on the supposed incompetence of civil society in governing and directing the nation satisfactorily" (ANDRADE, 2017, p. 26, our translation). It is important to emphasize that the NSD suggests "challenging divergent, different, or antagonistic values from those advocated by the doctrine, especially emerging from pluralistic and multicultural conceptions of democracy. After the end of the dictatorship, the doctrine *"continued to allow the military's intervention in the internal environment, revealing the persistence of an ontological belief in the domestic role of military institutions"* (LENTZ, 2021b, p. 12. Emphasis on the original, our translation). Once again, "a significant point of friction with conceptions of democracy, especially those of a liberal-pluralist bias, is observed" (IBIDEM, p. 134, our translation).

The militarization of Public Security is one of the pivotal outcomes of this ontology, resulting from the intersection of two processes: exclusive modernization, which did not include the working masses; and a security policy guided by the military. The 1988 Republic is built on this intersection, and the NSD adapts to the "war on drugs" policy, emulated from the United States. The result of this process becomes symptomatic in newspaper headlines, trivializing

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12 According to Lazzarini (1987), the concept of "public order" can vary significantly throughout history, depending on the specific political and societal variables of each country, people, and era.



police massacres and other forms of escalating state violence in the context of the growing securitization against the peripheries.

### **“War on Drugs” and the “Other Internal Enemy”**

It has already been identified that the NSD directs the combat against the “internal enemy”. Once communism is overcome, who becomes the enemy in the post-Cold War order?

It is worth noting that the State is constituted by the administrative monopoly of a delimited territory, “sanctioned by law and by direct control of internal and external means of violence” (GIDDENS, 2008, p. 145, our translation). A set of internal means forms Public Security. This observation is important because there is an ontological distinction between war and Public Security. The separation is clear in purpose: war aims at the “crushing of the enemy” (CLAUSEWITZ, 2010, p. 829, our translation), while Public Security, composed of the police and guards in their various forms, has to deal with different types of demands from society that require dialogue and mediation skills that override the use of violence. In this sense, “democratic” or “citizen” security encompasses a multiplicity of dimensions for the issues of violence and public order, incorporating concerns about the quality of life and human dignity (SUCCI JR., 2018).

Nevertheless, we observe the emergence of a terrain that Derghougassian (2008) names as a “process of ‘intermestation’”, resulting in the militarization of police forces and the “policing” of the military. Specifically, the international context of the Cold War directed the military to combat the internal enemy, and with the end of the “communist threat”, repression focused on drug trafficking, reinforcing an old Brazilian agenda: violence against the periphery, where we find the figure of the “other internal enemy” of the Brazilian order. The systematic use of violent police action falls on the peripheral and marginalized subject, and thus, exclusion and repression feed off the denial of the humanity of this subject, the marginalized turned into an enemy.

This cycle underlies the discourse “a good thief is a dead thief”. The “thief” corresponds to an archetype that is not limited to the category of “criminal”. While the latter must suffer the appropriate sanctions within legal limits, the “thief” does not evoke empathy or solidarity,

justifying the friend-enemy relationship (SCHMITT, 2019)<sup>13</sup>. According to Souza (2015, p. 19, our translation):

The dilemmas of Brazilian public security reflect an authoritarian political legacy. [...] Fear derived from urban violence, combined with distrust in public power institutions responsible for the implementation and execution of security policies, produces an evident reduction in social cohesion, implying, among many problems, a decrease in citizens' access to public spaces; the criminalization of poverty (as certain sectors of public opinion stigmatize residents of urban agglomerations in large cities as responsible for crime and violence), and generalized distrust among people, eroding bonds of reciprocity and social solidarity.

Having said that, the trivialization of the idea of an “urban war” reflects the depth of the NSD also in society. At all times, the media feeds into this discourse<sup>14</sup>. But where does this “war” come from?

In 1971, the Nixon government, seeking popularity during the tumultuous period of civil rights struggles and against the Vietnam War, adopted a radical agenda against drugs that aimed, above all, at the criminalization of groups considered “undesirable” by American elites. According to one of his secretaries, John Erlichman: “we knew we couldn't criminalize those who were anti-war or black, but by convincing the population to associate hippies with marijuana and blacks with heroin, and then strongly criminalizing both, we could destabilize both communities” (MARTINS, 2018, our translation)<sup>15</sup>. We have here a confession about the true reasons behind the “war on drugs” policy, which served as a rehearsal for the criminalization of marginalized sectors.

Likewise, even during the dictatorship, the National Security Law made no distinction between political prisoners and common criminals, giving breadth to repression. Once captured, both common criminals and political prisoners were sent to the same wing in the Ilha Grande prison, where they mingled and gave rise to the first drug trafficking faction in Brazil, the Red Command (*Comando Vermelho*). The foundation of factions in Brazil occurs within state

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13 In the extreme (war), the conflict takes on violent measures for resolution within the realm of the friend-enemy relationship. The enemy only exists within the sphere of politics, which refers to the Clausewitzian concept of war as another grammar of politics. In this regard, we recall Schmitt (2019), who situates politics based on the friend-enemy distinction external to the State, “since the idea of an internal enemy, legitimizing the use of lethal force against citizens themselves, would not be compatible with the state's function” (Succi Jr., 2018).

14 According to Giddens and Sutton (2014, p. 7), “discurso” pode ser definido como “modo de falar e pensar sobre um assunto, unido por princípios comuns. Seu intuito é estruturar a compreensão e as ações das pessoas sobre determinado assunto”.

15 Available at: <https://globoplay.globo.com/v/10662216/>. Accessed on: 20 Mar. 2022.

institutions, a *sui generis* fact when compared to Mexican cartels and other international drug trafficking organizations.

Four decades later, these factions vie to control territories among themselves and with state forces. To illustrate the gravity of the problem, let's pay attention to the song of the Special Operations Battalion (BOPE) of PMERJ:

You who listen to me, pay very close attention / I'm coming, coming, coming / And what!? Did you call me? / BOPE is going to get you! / BOPE is going to get you! / Men in black, what is your mission? Enter the favela and leave bodies on the ground! / Men in black, what do you do? / I do things that scare Satan! / BOPE is going to get you! / Dog barking / Child crying / Scoundrel running! / BOPE is coming! BOPE is killing! (our translation).

What justifies this institutional violence? How is it structured? According to Hélio Luz, chief of police in RJ between 1995-97, the police

were made to provide state security and security for the elite. "I engage in repression for the benefit of the State, for the protection of the State [...] (which) keeps the favela under control. How do you keep two million inhabitants under control, earning 112 reais, when they earn? How do you keep all the excluded under control and calm? With repression, of course. It's political police, indeed. This is an unjust society, and we ensure this unjust society, the excluded are kept under control, and 'woe betide' anyone who steps out of line. And we do a very sophisticated thing. In South Africa, they put up wire, here it's without wire" (LUND; SALLES, 1999, our translation).<sup>16</sup>

In this vein, Franco (2014, p. 41, our translation):

The way Brazil's militarized police treat young, black, poor individuals as potential enemies of the Rule of Law needs to create an impression in the population that the defense of everyone is at stake. That is, it produces the social imaginary class differentiation and racial differentiation since the incursions that victimize the described public above are justified.

The perception of security as a "war" opens the door to exceptional actions by the State, otherwise inconceivable within the democratic order. The trivialization of this idea results in the naturalization of constant human rights violations by state forces, targeting specific populations, such as those residing in the set of favelas in the *Complexo do Alemão*. Raul Santiago, activist and resident, emphasizes:

It's very crazy for us to have an armored vehicle ("*caveirão*") circulating in the favelas of Rio de Janeiro, a "*caveirão*" similar to what was used during the Apartheid era in Africa, which is used today in Israel's control over

<sup>16</sup> Available at: <https://www.youtube.com/watch?v=Pu6qI78RAGw>. Accessed on: May 2, 2023.

Palestine, an armored vehicle with the ability to fire shots from all sides. Living in the favela means living in a reality already stereotyped with various prejudices. Every public policy that reaches the favela comes through the Security Secretariat. So, the State dialogues with the reality of the favela by observing us through the sight of a police rifle. That's our contact with the world as citizens. But [society] feels secure because it's in the news that people were killed inside the favela. [...] There's a whole market around this idea of war, but we don't live in a war; we live in extermination. Only the youth of the favela, the black population, and the poor population die; the data shows that. And we can't discuss data; we can't advance even minimally towards another idea of security that is not based on direct violence. [...] A young person smoking marijuana in Alemão gets a beating, a gunshot, and jail, and in a noble address in Rio de Janeiro, it's a user, middle class, I don't know what, who's going to jot something down and will leave. If they jot it down, because sometimes it could be the child of someone big (MARTINS, 2018, our translation)<sup>17</sup>

As I have argued so far, it is the DSN that gives meaning to this social repression. According to Coimbra (2000, p. 14, our translation):

Regarding the National Security Doctrine today, within the new world order, [...] the “internal enemies of the regime” become the most impoverished segments and no longer just political opponents. They are all those whom the “order maintainers” consider “suspects” and who must, therefore, be eliminated. Extermination groups – born under the benevolence of the military regime and being part of it – still function for these purposes, financed by merchants and businessmen and, with the help of many social devices – such as the media – have strengthened subjectivation processes that produce judges and authors as subjects necessary for the “cleaning” of the “sick” social body. These “sick” individuals are perceived as dangerous and threatening. Modernity demands clean, aseptic cities, where poverty – since it can no longer be hidden and/or managed – must be eliminated. Elimination not through its overcoming but by the extermination of those who expose it, bothering the “eyes, ears, and noses” of the wealthier classes.

As Soares (2019, p. 33, our translation) points out, “the good form of an organization is the one that best serves the fulfillment of its functions”. Simply put, militarization does not serve the police function. In this framework, producing results becomes synonymous with arrests and killings. Thus, the most vulnerable social groups become the most susceptible to the choices of the police.

In vulnerable territories, the tendency is to act as an occupying force and confront enemies. This explains the thousands of extrajudicial executions under the cynical title of “*autos de resistência*” blessed by the Public Prosecutor's Office without investigation and archived with the complicit approval of the Judiciary and the omission of the media and part of society. [...] The police go hunting for the socially vulnerable character who commits certain types of offenses, characteristic of this type of character and within the

<sup>17</sup> Available at: <https://globoplay.globo.com/v/10662216/>. Accessed on: 2 May 2023.

scope of observation of the ostensive police officer. Therefore, socially vulnerable becomes synonymous with vulnerable to police intervention, caught in the act, and the corresponding criminal classification (IBIDEM, p. 36-37, our translation).

It is easy to conclude that militarization produces violence, not security, and destroys bridges between the police and the community in a manner analogous to an occupation regime, redefining the value of life and death of vulnerable citizens and security agents as, respectively, “collateral damage” and “combat losses”.

Moreover, as if all this were not enough, the Armed Forces (FFAA) have been frequently employed, escalating the violence further. In a study conducted by the Ministry of Defense in 2019, it is noted that between 1992 and 2019, a total of 136 Law and Order Guarantee (GLO)<sup>18</sup> operations were carried out in Brazil (BRAZIL, 2019), with 23 in the field of Public Security.

But, the use of the Armed Forces tends to result in excesses in the use of force. Therefore, it is only justified as a last resort. Moreover, it is necessary to consider the historical background of Brazilian civil-military relations, which suggests that such a constant presence may, in certain contexts, signify dangerous closeness between the military establishment and political institutions, especially during times of political and institutional crises. In such circumstances, military interventionism may resurface. According to Rodrigues (2012, p. 34), the “catastrophism of this assessment” has more direct repercussions in societies historically marked by numerous military interventions in the political arena, which invariably led to authoritarian regimes – as is the case in Brazil.

Some of these GLO operations were carried out in support of the installation of Pacifying Police Units (UPPs), promoted by authorities and even by experts as a resolution project for Public Security issues. Originally, the UPPs were supposed to integrate the territories – pacified – back into the Brazilian *polis*. However, what time revealed was the consolidation of a securitization project for these communities, now fortified under state control, complete with curfews and various human rights violations, in another update of the Brazilian authoritarian project.<sup>19</sup>

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18 The GLO constitutes a legal mechanism that instrumentalizes the Armed Forces as a resource aimed at mobilization within the national territory, with the objective of safeguarding, through the use of force measures unavailable to public order forces, compliance with laws, and the maintenance of order.

19 As Franco (2014) emphasizes, the UPP model was inspired by the Colombian experience, which saw the State’s contribution to initiatives to socially rehabilitate territories reclaimed from factions. The absence of these social policies is considered the factor responsible for the failure of the UPPs in Rio de Janeiro.

## Final considerations

“Peace without a voice is not peace; it is fear”.

*O Rappa*

The National Security Doctrine (DSN), as I have tried to point out, is the standardization of an authoritarian ideology of the Army, institutionalized from the Estado Novo, based on the premise of combating the “internal enemy”. The post-1988 order, despite the entire constitutional framework of the Rule of Law outlined in the 1988 Constitution, continues to be laden with elements bequeathed by this doctrine, which has promoted an escalation of militarization and violence in the Brazilian public order. In effect, the general framework guiding security policies has translated into a greater concern for defending the interests of the State than for citizenship, producing a democratic deficit in police institutions. The DSN aims to guarantee a state of security, which we can ironically understand as representing precisely the opposite: the institutionalization of a state of armed violence.

The persistence of this doctrine also reflects the ongoing mistrust of the military towards civilians in taking care of security or any issue dear to the order. From the military perspective, the soldier is a fearless individual endowed with the courage to fight against death, while civilians would be considered cowardly and incapable of contributing to the “mission” of national security, understood within the limits of war.

The consequence of a civic order oriented toward the pursuit of absolute security is the production of a legal antagonism to the democratic order, whose constitutions are based on guaranteeing individual freedoms that impose limits on the State. The absolute security that gives meaning to the DSN protects the State and its components while simultaneously becoming a threat to the rest of society.

This situation creates insecurity and constitutes one of the main variables in the crisis of Brazilian democracy, which culminated in the election of Jair Bolsonaro in 2018 – widely supported by the military. It is worth remembering that the then-candidate's campaign platforms placed special importance on the issue of public security – under the banner of “*a good criminal is a dead criminal*” – undoubtedly one of the issues that mobilize most Brazilian voters today.

Therefore, the DSN prescribes a model of order refractory to democracy, as it relies on authoritarian pacification of the political and social contradictions inherent in any democracy and promotes military violence within society based on a definition of the “*enemy*” that corresponds to the worst in Brazilian political and social history.

Overcoming the DSN means, in this sense, promoting social inclusion and strengthening the plurality that inevitably (and indispensably) characterizes democratic societies.

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