

## **“I’m gonna tight, but ain’t gonna fire it”: The Drug War On Bezerra Da Silva's Music**

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### **ABSTRACT:**

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The debate about the war on drugs is quite frequent in academic circles, especially in sociology, law and particularly criminology. However, the popular perception, from those who're directly involved in this analyzed phenomenon, is commonly ignored in those studies. Popular culture, in this sense, plays an important role enhancing and emphasizing this discussion. An emblematic case, which portraits such capacity, is the musical piece of Bezerra da Silva, a black slum dweller of Rio de Janeiro who migrated from the northeast of Brazil. The sambista's songs make it possible to combine reflections from the most diverse areas to identify aspects and establish facts about the context of institutional violence, social and racial discrimination, and inequalities that mark the part of society directly involved in the conflict. This article, therefore, aims to combine the social sciences theoretical contributions with the popular artistic manifestation, and reflect on this theme, highlighting possible causes and solutions to the latent problems surrounding the fight against drug trafficking.

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**KEYWORDS:** Drugs. Criminology. Popular Brazilian music. Bezerra.

### **1. Introduction**

This paper aims to analyze the issue of the “war on drugs” through the songs interpreted by Bezerra da Silva, a popular Brazilian samba musician. The link between music, as art, and the legal world will be constructed through theoretical references brought by the social sciences and critical criminology.

We intend to perform an analysis from a different perspective – the popular perspective translated in the Bezerra da Silva’s compositions – to overcome potential limitations of the convoluted look that the legal perspective can cause to an external observer of this important phenomenon of our society.

In this sense, Nilo Batista assertively defended that: “Jurists suffer from a dangerous professional illness (...) Such illness condition us to perceive social conflicts as a simple deficiency of legal rulings, which the inexhaustible State of legal welfare will soon try to fix (...)”; and concludes the reasoning with an important observation: “We are always a little disoriented before the brute force that breaks the legal models, anxious to rest in the safe harbour of some incises and subparagraphs.” (BATISTA, 2002, p. 163).

Therefore, to add to legal reflection not only the sociological nuances of critical criminology, but also the rich repertoire of a popular artist, is a prodigious means to reflect on the procedure applied by the state security apparatus when it comes to the repression of the drug use and drug dealing.

### **2. "The 281 gone down/And has been replaced by the 16 and the 12": the importance of popular perception of the criminal phenomenon**

Bezerra da Silva, an acclaimed sambista from the slums of Rio de Janeiro, was born in Recife in 1927 (VIANNA, 1998, p. 17), and at the beginning of his musical career he sang "Côco", a typically northeastern musical style (BORGES, 2010, p. 142). Only after that would he consolidate his career in samba, going to the “slums and favelas (...) to record the sambas sung in the tents and biroscas” (VIANNA, 1998, p. 69).

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A migrant from the Northeast of Brazil, he carried out, in the lands of Rio de Janeiro, an almost ethnographic work (MATOS, 2011, p. 105): the interpreter “selected, throughout this trajectory in samba, the compositions with which his voice would best echo what needed to be said” (SANTOS, 2019, p. 23), especially around the difficult reality of the socially marginalized slum-dweller.

His source: popular composers from the favelas of Rio de Janeiro, whose life experience was the very reference of the critical content that they expressed through the songs popularized in the voice of the “ambassador of the Carioca slums”. It is from this fantastic perspective enshrined in the music of Bezerra da Silva that this paper will analyse the issue of the war on drugs.

To better understand the concrete way in which the state security apparatus acts in the combat against substances that become illicit - which, therefore, includes the social effects of this public policy - it is essential to give due emphasis to the perspective of those who, according to Fabiano Silveira (2010, p. 138), are the “basic clientele of the penal system”. In this sense, “Bezerra has (...) the ideal place of speech for the analysis that is intended here, since he was not only the narrator, but also a character in the scenario that will be explored” (SANTOS, 2019, p. 7).

Contrary to what one might think about the popular perspective, the humble origin, and the lack of formal education of the singer and his composers did not prevent them from understanding and even referring to factors that belong, for example, to the legal-academic field. This is the case of the song “Malandragem dá um tempo”, a composition by Popular P, Adezonilton and Moacyr Bombeiro that belongs to the 1986 album “Alô malandragem, maloca o flagrante”, in which Bezerra narrates the following: “The 281 gone down/And has been replaced by the 16 and the 12/A crowd of honchos mess up and have been caught by the bed bug/It's what happens when the cops get a bug/That's why I'm gonna tight, but ain't gonna fire it”<sup>3</sup>.

In these lyrics, there is a reference to the legislative innovation promoted, at the time, by Law 6.368/1976, which created two provisions (“16 and 12”)<sup>4</sup> to typify the conduct of drug dealers and users (ROCHA, 2012, p. 110), as well as the emphasis on the fear of police repression, because, the favela’s honchos “have been caught by the bed bug,” sings Bezerra that “It's what happens when the cops get a bug”.

The example is illustrative in the sense of demythologizing prejudiced impressions about the popular perspective, considering that, in face of the lyrics interpreted by the late sambista – to be analysed here –, it’s clear that there is, “although in a different way from that more common to the wealthy sectors or the dominant intelligentsia, full political reflection among those who make up the base of the social pyramid” (SANTOS, 2019, p. 22).

“The concept of political marginality does not do justice to the nuances of political perception in the favela,” argued Janice Perlman (1977, p. 201), as early as the 1970s, in criticizing this which is one of what she called “myths of marginality” and which, as legitimizing stigmas of a social model, persist to this day.

### **3. “I sell to the elite/middle, upper, lower class and also to the slum”: war on drugs or on the poor?**

The discriminatory stain that falls upon the poorest populations of the country is reflected even more fiercely when it comes to the young, male and racial component of this social group. This’s the “permanent state of suspicion” that according to Fabiano Silveira, falls upon marginalized individuals, and is confirmed precisely in the “response” of those who suffer from this stigma, “that’s, in the cultural material that intends to positively affirm the identity of black people against the racial selectivity of the criminal system” (SILVEIRA, 2010, p. 142).

In an important and extensive empirical study conducted by the anthropologist Janice Perlman (1977, p. 121) in Rio de Janeiro's favelas in the 1960s and 1970s, the existence of unfounded stigmas about the excluded sectors of society was already noted. The promotion of negative stereotypes about these subjects aims to legitimize the political – social-economic overlapping of a class – those who “deserve (...) the privileges they effectively possess” (SOUZA, 2018, p. 95), as well as the policy of repression, which aims to control certain groups (BOITEUX, 2019, p. 4).

In the legal field, regarding the adherence to this ideology, it was glimpsed that for “the configuration of this State of Exception it is necessary to have a theory that legitimizes such practice of social control, a new model

<sup>3</sup>This is an adaptation. The original text is available at: <<http://www.suasletras.com/letra/Bezerra-da-Silva/Malandragem-Da-Um-Tempo/21051>>. Access on 03/06/2023.

<sup>4</sup> Currently correspond, with some modifications, to articles 28 (former article 16) and 33 (former article 12) of Brazil’s Federal Law n. 11.343/06.

of authoritarian State would need, as a tool, a new model of authoritarian Criminal Law”, thus emerging “the formulation of the German jurist Jakobs, called the Penal Law of the Enemy” (OLIVEIRA, 2016, p. 179).

The historical panorama, according to Vera Batista (2002, p. 104), demonstrates that this “advance” of the state power matches the interest of control over the population corresponding to the enslaved portion of the population: “configuring a system of social discipline in charge of keeping the population in order, giving security and protection to the property and the owners”.

After all, the consumption of narcotics for the most varied purposes is “a practice that accompanies mankind since the earliest historical records and is deeply rooted in Western tradition” (PRADO, 2013, p. 13) and does not seem to encounter any restriction as to the economic bracket of individuals. The social class of the individual is, however, usually determinant when establishing the consequences of the use and possession of these substances.

The criminal classification will depend on the zip code of the suspect and his skin colour. Furthermore, illicit drug trafficking is classified as a “heinous” crime under the Brazilian Criminal Code and had its penal scale increased in 2006. The “drug dealer”, already previously stereotyped as a young blackman, is easily found in areas of greater police surveillance, favelas or peripheries (BOITEUX, 2019, p. 5).

The song “Produto Importado” (Imported Product), a composition by G. Martins, recorded in the album “Meu Bom Juiz”, 1993, jocularly exposes the realization that the consumption of “imported products”, illicit drugs, is something that is notorious in all portions of society: “I sell to the elite/Middle, upper and lower classes, and also to the slums/Some people don't like it/ But what can I do? When I don't have the masses complain/That's why I can't stop selling”.

Since it is evident that the consumption of proscribed substances is something that is not restricted to a specific population group, it is necessary to understand why the criminal system directs so many control and surveillance measures to the “free mob” (BATISTA, 2002, p. 104), especially the urban one.

This disproportionality can certainly be attributed in large part to the historical formation of our country, which constituted a model of public safety based on the ancient fear of the slave revolt (“haitianism”) (SAMPAIO, 2016, p. 81). This claim to control the blacks, later “free”, is transformed, but remains for the next century: “The whip leaves the streets and goes to the prison, now in regulated doses. (...) The artifact-antidote against abolition was being created” (BATISTA, 2002, p. 104).

Observing this phenomenon in retrospect, Luciana Boiteux (2019, p. 4) argues that there is a “continuity between the slave ship, the senzala and the slums, and the prison cells as spaces destined for black people from the perspective of social control in a racist society with a slave-owning past that denies them rights”.

Therefore, based on the collaboration of thinkers associated with critical criminology, it is urgent to try to understand the criminal phenomenon under a different prism than the traditional classical or positivist support: it is necessary to contemplate the State's action, as a selective *criminalizer* of behaviors and, consequently, of people.

#### 4. “If Leonardo gives twenty/why can't I give two?”: stigma and selectivity of the penal system

It is well known that there has been, historically, a demonstration or, at least, repeated criticism of the selectivity of the criminal justice system as a mechanism for the State to act supposedly to provide security for its citizens. It is notable the existence of a kind of “continuous bundle of structural and institutional violence that reproduces itself in a physical, lethal, and armed way” that systematically affects young blacks, inhabitants of the slums and outskirts of the cities (MEDEIROS, 2019, p. 6).

It is possible, however, to affirm that this imbalance is even more evident in the context of drug policy, by which a series of measures are justified that fall disproportion at the most vulnerable sectors of Brazilian society.

According to Wagner Coutinho Alves (2012, pp.53-54), the idea of fighting drugs works as a kind of “scapegoat”, it masks the most plausible causes of social issues, to maintain the *status quo* in certain sectors. This contributes to a distorted and stigmatizing understanding of the use of illicit psychoactive substances. As a result, users of illicit psychoactive drugs, including those who do not abuse, “are persecuted by the organizations in charge of curbing the use and labelled as addicts by most of the agencies that develop strategies to deal with the issue”.

In 19th century Rio de Janeiro, the user-purchaser - predominantly poor and black - was the one for whom incarceration was prescribed, whereas the seller only received a fine as punishment (ALVES, 2012, pp. 53-

54). In the present, it is the dealer of the proscribed substances – predominantly poor and black – who is the central target of drug repression policy.

In Western societies, there are several levels of control over drugs whose commercialization and use are licit, as is the case of alcohol, tobacco, and even opiates, such as morphine (PRADO, 2013, p. 14). The decision - political, as Luciana Boiteux (2019, p. 5) asserts – to prohibit *some* psychoactive substances, and not others, is the result of this selective intention of the criminal justice system to act on certain specific social groups.

In a scenario marked by loud calls for the disciplining of society, a sentiment repeatedly taken advantage of by conservative sectors of our political history – marked by coups and dictatorships -, nefarious consequences are revealed, in which “the fight for order against chaos(...) passes through the criminalization and disqualification of poverty, of the new heretics”.

Zaffaroni (2010, p. 24-25) highlights the role of the media in the construction of fear, a mechanism that incites the population to claim for ostensive policing and social control measures, collaborating to the legitimization of that “State of Exception” previously mentioned: In the introjection of the verticalizing order, the role of the mass media is decisive, and they usually act early on in people's lives (especially leisure communication), although the relevance of the school, other primary groups, etc. in this process should not be discounted.

In the song “Eu Sou Favela” composed by Mosca and Noca da Portela, from the CD “O Partido Alto do Samba” released in 2004, Bezerra gives voice to the popular complaint against the stigma and media portrayal that the poorest people receive: “The favela was never a stronghold of marginalized people/ It only has humble, marginalized people/and this truth doesn't appear in the newspaper/ The favela is a social problem”.

In the core of this dynamic, another very harmful element, especially for the most sensitive sectors of the population, which is potentiated by this process of escalation, are the abuses of authority, with emphasis on police violence and lethality.

Orlando Zaccone, criminologist and police delegate from Rio de Janeiro, in his study on the “autos de resistência” in that state, points out the following: “we can observe that it is in the definition of the presence of the enemy in segregated territories that the legitimization of the deaths produced by police actions occurs” since “Almost nothing is said about the moment of the action that resulted in the death being investigated” (ZACCONE, 2015, p. 155).

Drug policy is a fundamental factor for the panorama posed so far, with crimes related to the trade or possession of these substances being “one of the drivers of mass incarceration in Brazil, especially since 2006” (BOITEUX, 2019, p. 5).

In the song “Se Leonardo Dá Vinte”, a composition by Walter Coragem, from the album “Bezerra da Silva-Ao Vivo” released in 1999, we have the following account and dialog: “I got a perfect beating/ With a joint/ Lit in my hand/ I was slapped/Kicked and choked /Hiiiiiiiiiiii! I was taken /Straight to the presence/ Of the Chief of Police/ He started shouting:/ Open up, rascal/ And tell me all about it/ I answered:/ If Leonardo gives twenty, counsellor/ Why can't I give two? (...) Leonardo is Leonardo/ The Chief told me/ He does whatever he wants/ And everything is fine/ Unfortunately, in the law of men/ We are worth what we are/ And only what we have/ He has immunity to give/ As many as he wants/ Because he is rich, powerful/ And doesn't lose his pose/ And you, who are poor, slum-dweller/You only gave two/ You'll be tapped/On the twelve”<sup>5</sup>.

The amusing form, impregnated with the joy that pertains to this type of samba, does not slip, however, when it comes to denouncing the injustice suffered by the “poor, slum-dweller” in the context of the repression of drugs.

The case illustrated in the song also serves to highlight the non-application of the principle of bagatelle, since, even with “a joint”, the guy would “be stapled at twelve” (a reference to the provisions of the revoked Law 6.368/1976), that is, arrested for drug trafficking, and not just use.

More than that, besides the improper indictment in relation to the criminal type, considering the non-subjection of the fact to what is foreseen in the provision - since, apparently, it was possession for personal use -, there is the description of the violence suffered by the subject “shaken with slap, kick, and necklace”, showing the usual abuse of authority and violence to which those we call “the basic clientele of the criminal system” were (and are) submitted.

<sup>5</sup>Available at <<http://www.suasletras.com/letra/Bezerra-da-Silva/Se-Leonardo-Da-Vinte/21056>>. Access on 03/06/2023.

The case presented in the song is illustrative because it's similar to the current context in which the way the criminal justice system operates regarding the issue of drugs.

There are no safe criteria to distinguish between consumption and trafficking, giving “high discretionary power” to the police and justice state agencies, which allows “the expansion of control over economically disadvantaged areas of the city where the black population lives, while immunizing the upper classes, privileged by whiteness” (BOITEUX, 2019, p. 5).

##### **5. “At the police station, he said/counselor, I'm not a farmer, I don't know the seed”: abuses and violations in the performance of the public security apparatus**

If Brazil fails, on several occasions, to comply with its international commitments (especially in regard of human rights protection), the same cannot be said about the Convention on Drug Trafficking: its state agencies (Police, Public Prosecutor's Office and the Judiciary), based on the institutional, social and, above all, media legitimacy established, “have exercised their discretionary power to end of the probationary policies with maximum efficiency” (PRADO, 2013, p. 23-24).

And its perhaps because of this incessant search – “at any price” – for the combat against narcotics, in a utopian pursuit for an abstinent society – “without drugs” – that the frightening levels of police violence and abuses of authority in our criminal justice system are sustained.

In fact, in a country with such a history of social segregation, “violence, which is an essential component of the enslavement of human beings, a founding element of post-colonial Brazilian society, would not fail to be part of the conflict between social classes”, and it is precisely for this reason that “the instruments of social control, among them the criminal system - with emphasis on police action - will harbour, in their *modus operandi*, levels of truculence and exponential lethality” (SANTOS, 2019, p. 75).

Zaccone is quite incisive in his observation: “the expression 'war on drugs' sounds like a metonymy, since it hides the fact that, like any war, it is aimed at reaching people identified as enemies” (ZACCONE, 2015, p. 139).

Everything changes when we are experiencing a war. There is a process of dehumanization that hits the other, but it also hits us. Nobody is immune, unscathed, in this whole process. To authorize violence, I have to dehumanize the other, because if I recognize him as human, I have a block on my violence. The other must be turned into a thing, a rat, a monster. But this process is a double-edged sword: I also dehumanize myself to legitimize myself as the author of violence (BRANDÃO, 2019, p. 36).

The same pattern of dehumanization can be seen in Eric Lotke's (1998, p. 48) thought, in the sense that no one would rationally justify imprisonment on the grounds that the defendant is poor or belongs to a different race. But “*anyone would arrest a predator, a monster a scum*”. The discourse that identifies the defendant as a predator ends up justifying the only possible option, which is to lock him up. The rhetorical discourse of criminal justice treats those who have entered the system with these adjectives. There is no approach as if it were bad luck, poor choices, or social vulnerability. “We talk about evil and use subhuman labels. The labels make it easier to treat them that way”.

This process of upsurge, it must be emphasized, can only lightly be attributed exclusively to ethical deviations perpetrated by some police officers. There is a systemic issue behind the institutional violence, which is even supported by agencies that are not part of the police force, such as the Public Prosecutor's Office and the Judiciary.

As an example, we can refer to Orlando Zaccone's analysis of the “autos de resistência”. The author observed that, at the request of prosecutors, cases investigating incidents involving people killed by public security agents were filed under empty justifications: “the Public Prosecutor's Office reinforces the evidence collected selectively to establish through a sovereign decision the legitimacy of lethal actions practiced by police officers”; there would be a legitimization of “the lethal massacre in the condition of a State policy and not only as a deviation of police conduct” (ZACCONE, 2015, p. 144).

In this process, there is an up surge of security agents, whose function is transfigured to that of true “warriors” or war combatants, and who, therefore, must be willing to do almost anything. It must be pondered that this war mongering policy. The war like policy that has been instituted fosters an increase in violence. With such a policy one notes the ballast to truculence, instituting a “policy of bloodshed”, with the hunt for users and small dealers (MIRANDA, 2013, p. 84).

The response to this also occurs in the communities, where a negative image of the state agencies, arising from abuses and injustices, ends up generating a certain empathy for groups that are supposed to protect that

locality from institutional abuses and omissions. In the line opened by Foucault, there is a certain smiling illegality tolerated with certain types of criminality, especially when crime was associated with the hierarchical division of society (PACHEHO, 2008, p. 98). A kind of “feedback cycle of violence” is therefore formed (SANTOS, 2019, p. 87), by what we could perfectly well call “a private war”<sup>6</sup>.

The evils resulting from this warlike model of confrontation, legitimized above all by the fight against drugs, however, are not limited to the current victims of this process, because even future generations are compromised by the high degree of exposure to violence.

The promotion of violence in communities directly affects the development of children and adolescents, since they are exposed not only as possible victims, but also as sensitive spectators of what they see in their daily lives. This process normalizes aggressive behaviour and, one can speculate, endorses the cyclical movement of violence (SANTOS, 2019, p. 59).

The song “Semente” (Seed), composed by Roxinho, Felipão, Tião Miranda, and Walmir da Purificação, present in the record “Justiça Social” (Social Justice), by Bezerra da Silva, released in 1987, brings an illustrative narrative about the abuse of authority in the context of the fight against drugs: “My neighbour threw/ A seed in his yard/ Suddenly it sprouted/ A tremendous thicket/ (...) / The cops were suspicious/ When they saw the agglomeration/ And they took all of them for investigation and then/ At the hard time the jackass shouted/ You don't have to hit me, I'll give it to you on a platter/ Look, I know that bush, boss/ And I also know who planted it/ When the federals bugged/ And took the innocent neighbour/ At the police station he said/ Counsellor, I'm not a farmer, I don't know the seed”<sup>7</sup>.

The song reveals the application of torture as a method to obtain a confession from those who, even though they are not necessarily suspects of any criminal offense, end up being compelled to denounce “who planted” the “bush”. The physical aggressions – “hard time” (sapeca-iaia) – compel the subject to make a confession, even if only to get rid of the torment.

Brazilians do not feel protected against torture – and in fact, they are not. This practice continues to occur systematically, in various environments, and the few figures we have for analysis indicate that police stations are one of the places where this type of violation is most common (MICHEL, 2014, p. 21).

Torture ends up being a way to illustrate the efficiency of the “iron hand” of the law-and-order policy, all of this justified by a discourse that potentiates the dangerousness of these individuals, which is why the fate of penal unprotection hangs over them due to their “objectification”. In this sense, “A fumaça já subiu pra cuca”, a composition by Tadeu do Cavaco and Adelsonilton, interpreted by Bezerra da Silva in the album “Meu Bom Juiz”, from 1993, brings another very serious denunciation: “There's no red handed because the smoke has risen to the top of the head/ Leaving the cops in the greatest confusion/ And the rascals understanding nothing/ The feds wanted the stuff and beat the crap out of the guys/ Just because the rascal with the antenna on called 190 to show up/ It was already friendship/ Who squeezed, burned, is already done/ If there is no proof of the red handed in there cords/ The inquiry is void, so say there/ Look, who asks always wants the answer/ And one who has a mouth, answers what he wants”<sup>8</sup>.

Here, we find a criticism of the validity of the statements obtained by means of the whistleblowing of respondents: “who asks always wants the answer” and “one who has a mouth answer what he wants”; that is, basically, mainly because of the fear of torture, it is easy to obtain any statement (and even a confession) from the subject submitted to the police inquiry.

The song continues with the following passage: “If you want to take me, I'll go, in this forged act I'll go/ But in front of the man in the black cape/ We'll know who made the mistake”<sup>9</sup>.

Here we can see an expectation that the magistrate, a representative of the Judiciary Branch, will adjust the forged act - which, along with torture and police lethality, probably makes up the list of the worst types of abuse of authority perpetrated, especially against the peripheral and socially excluded populations.

Fabiano Silveira (2010, p. 154), when analysing this same composition, points out, as a relevant aspect of the song interpreted by Bezerra da Silva, “the judge representing, in an optimistic way, the possibility of the forged

<sup>6</sup> Notícias de Uma Guerra Particular. Direction: João Moreira Salles. Production: Kátia Lund. Rio de Janeiro: 1999.

<sup>7</sup> Available at: <<https://www.letras.mus.br/bezerra-da-silva/65178/>>. Access on 03/06/2023.

<sup>8</sup> Available at: <<https://www.letras.mus.br/bezerra-da-silva/83741/>>. Access on 03/06/2023.

<sup>9</sup> Available at: <<https://www.letras.mus.br/bezerra-da-silva/83741/>>. Access on 03/06/2023.

act being undone”, which shows that there is hope on the part of the population that Justice will repair the damage and arbitrariness perpetrated by the state security apparatus.

## 6. “Planet Hemp wants to know/why is that weed/prohibited?”:the debate over the legalization of drugs “made illicit”

It is against this backdrop of so many harmful consequences, illegalities and costs, and so few advantageous or effective counter parts that, increasingly, some discussions have been gaining momentum: “With prohibitionism completing its first century of disastrous results, many countries have already re-evaluated their positions and policies on drugs”; moreover, once “forbidden”, the drug debate is now freely conducted in more and more places (DELMANTO, 2019, p. 8).

One of these clashes is over the issue of carrying drugs for personal use. Here, to a large extent, aspects such as the non-punish ability of self-injury and the collateral-social damage that the use of narcotics can cause to society are at stake.

About the constitutionality of drug possession, there is a frequent argument that alludes to the absence of injury to third parties as a criterion for the non-illegality of a conduct (essentially problematic, since it is difficult to imagine a conduct that does not reveal some consequence, even if indirect, to third parties). Daniel Nicory Prado (2013, p. 53) pondered this aspect: “The question that arises is whether the possible occurrence of indirect negative effects to third parties can legitimize the State to prohibit the behavior”.

It is also important to evaluate that, in relation to drug consumption, we are facing a question of inevitability: many people use and will continue to use narcotics for various purposes; therefore, in proceeding with the suggested evaluation of indirect negative implications -regardless of the understanding on the constitutionality of the prohibition of drug possession - it is worth considering that such “effects” will manifest themselves regardless of the legality or illegality of the conduct.

Thus, the prohibition of such behaviour, for practical purposes, ends up restricting only the rights related to the autonomy of the individual: the negative consequences of drug use, criminalized or not the possession of these proscribed substances, will manifest themselves to our society, just like any other public health problem.

The fight against drug trafficking, which is the main official motivation for police incursions into the communities and, on the other hand, the justifier of the atrocities to which the poorest people are subjected because of this conflict, in general, to witness the permanent insecurity experienced by young slum-dwellers, especially black ones (SANTOS, 2019, p. 55).

Here it is worth mentioning an excerpt from the song “Garrafada do Norte”, from the album “Meu Bom Juiz”, from 1993, by Roxinho, Edson Show, and Wilsinho Saravá, immortalized by Bezerra da Silva: “And if God created nature/And also the beauties of this life/ Then explain to me Counsellor/ Why is this weed forbidden?/ Look, but there are people who say it's all medicinal/ This plant is good and medicinal/ Only a tea from the root can work a miracle/ And whoever drinks it will be free from evil/ It cheers up, it inspires, it calms down/ It even leaves the young people with a clear head/And the person who loses his mind/ It's because he already has part of his spirit wrong”<sup>10</sup>.

Questions like these reveal the ebullience of critical reflection in the popular cultural space. The song alludes to the issue of the medicinal use of marijuana and, in an almost jocular way, refers to an interesting allegation: if the individual “loses his mind” it is because he already has a disposition for reprobable acts, which translated as having “part of an evil spirit”. The drug, therefore, according to the lyricist, besides its positive effects, would not be the main cause of the negative actions commonly associated with its use.

It is based on this reasoning that the academia and engaged sectors, backed by research and accurate data, defend their point of view. Thus, there are several proposals to change the current model of public security, especially regarding drug policy, in view of the fact that it does not achieve the goals to which it proposes and with which its up possibly justifies its deleterious effects on individual rights.

In this line, Luciana Boiteux's (2019, p. 6) observation is emblematically conclusive: “The war on drugs is a war on people, but not against everyone, it is a war on black men and women, for whom the only available social policy is criminal policy and state violence”.

Finally, it seems sensible to state that there is no doubt that there are instruments of control over drugs, especially to contain, as much as possible, their deleterious effects and reduce the harm to the user, “but control is

<sup>10</sup>Available at: <<https://www.lettras.mus.br/bezerra-da-silva/923478/#album:meu-bom-juiz-1993>>. Access on 03/06/2023.

not reduced to prohibition, prohibition introduced to criminalization, and criminalization is not reduced to incarceration” (PRADO, 2013, p. 14).

It is certain that, even in the face of the ostensiveness of the current criminal policy, including mass incarceration of individuals prosecuted for trafficking in these substances, “it is not possible to reduce the number of crimes recorded or to disarticulate the criminal networks, since the target is the small retailers, easily replaced”; thus “the sale, (...) consumption and profits only grow” (BOITEUX, 2019, p. 5), concomitantly, it should be emphasized, with the increase in human and financial costs of this model of criminal repression.

It becomes evident that: The option for total prohibition means the annihilation of the regular market and the creation of a gigantic parallel market, which, to meet all the demand, acquires a high degree of organization and, in order to exist outside the law, makes use of illicit expedients such as corruption and violence, to make the product reach the consumer and collect payment from him (PRADO, 2013, p. 14).

In this sense, prohibitionism ends up creating or aggravating the evils it proposes to combat, to a degree of ineffectiveness - and contradiction or irrationality - that only a very strong ideological appeal could sustain in discourse and practice. That is the thesis that is adduced here.

Therefore, the debate about the legalization of drugs “made illegal” becomes, more than ever, indispensable, especially in view of the evident failure of the current drug policy, burdened by the worst of its costs, which are human lives taken for nothing.

## 7. CONCLUSION

Bezerra da Silva, as the interpreter of the songs he collected in the slums of Rio de Janeiro, was able to give vent to the complaints and perspectives present among those who are precisely the main targets of the public security apparatus.

Thus, by resorting to their repertoire, it was possible to illustrate themes that the social sciences embrace in their discussions and analyses. But, beyond that, it was possible to increase the perspectives on important issues surrounding the theme, proving the importance of the popular perspective for the comprehension of factors so dear to the law, especially concerning the criminal system, even in relation to its more sophisticated theories.

It is evident that the drug policy adopted in the country infringes the rights of parts of its population in the name of the incessant search for an abstemious paradigm from which, on the contrary, we seem to be increasingly distant.

The resistance to change this *modus operandi*, however, is strong; and what may provide the reasons for this resistance is the very way in which this model seems to have been constituted historically: exclusionary, discriminating, racist, and authoritarian - here are some of the adjectives that can perfectly well be attributed to the historical formation of our society.

The saying attributed to Einstein says that it is useless to try to achieve different results by doing the same thing repeatedly. In this sense, the suggestive posture of many politically and academically engaged sectors, in denouncing the evil of the current model and proposing alternatives to the prohibitionist taboo, seems praiseworthy.

While this doesn't change, it's better to follow the recommendation immortalized in the voice of that samba's legend: “Se segura, malandro/ Pra fazer a cabeça tem hora”.

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