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MINOR NARRATIVES: EXTRAJUDICIAL PUNISHMENT OF YOUTH OFFENDERS BY POLICE OFFICERS IN PORTUGAL

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Based on evidence collected during research in a youth detention centre in the city of Lisbon, the article discusses youth offenders' narratives of police violence. According to their reports, juvenile suspects are frequently arrested, questioned and, occasionally, subjected to different forms of physical and/or symbolic violence. The article discusses the youths' narratives, first, on their own terms and, second, in view of other authors' findings, identifying different categories of violence based on the respective objective of the (ab)use of police force. It is suggested that, apart from serving outward ends like investigation, deference and "education", police violence is closely linked to concepts of citizenship, order and state authority. (Ab)use of force is further discussed as a form of collective punishment of "non-citizens", within the performative crime control and governance of uncertainty on the margins of the state.

Keywords: anthropology of policing, extrajudicial punishment, police violence, Portugal, youth offending

Introduction: Violence and the Police

In his review of studies on police use of force and "The 'Causes' of Police Brutality" in the US, Worden (1996), draws the conclusion that "physical force is infrequently used by the police" and that "improper force is still less frequently used". Police brutality and the use of improper force, Worden affirms, are "rare in the sense that aircraft fatalities are rare", that is, "infrequent relative to the large volume of interactions between police and citizens" (1996: 58). Other authors however, based on in-depth ethnographic studies, have pointed to the systematic use and abuse of police violence, particularly on the fringes of society. Caldeira, for instance, relates that in 1999 police forces in São Paulo "were responsible for around 10 percent of the homicides of the metropolitan region" (2013: 106). The abuse of force by the military police (responsible for street patrolling), Caldeira affirms, "is one of the most

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intractable features of their behaviour” (2013: 106). Jauregui, to cite an example from the eastern hemisphere, recalls in her ethnography of policing in northern India how she was caught unawares by the regularity, frequency and “overwhelming banality of police violence”. “On any given day”, Jauregui notes, “one would see police of all ranks [...] shove persons’ bodies into walls or other objects; slap people across the face; leave them bloody, black and blue from beatings; pull hair and ears and other appendages; stretch and step on limbs” (2013: 130).

It would be wrong, however, to jump to the conclusion that police violence is mainly a problem of so-called developing countries or “young” democracies. The recent shooting of an unarmed Afro-American youth in Ferguson, Missouri and other mediatized incidents have raised public awareness of abuse of police force in the USA, and made it apparent that its prevalence might well surpass that of aircraft fatalities. As Skolnick and Fyfe note, while “most of us have come to regard lynching as a baleful relic of a distant past, the sort of brutality we witnessed on the Rodney King videotape may not be so uncommon” (1993: 23-24). As far as European democracies concerned, Fassin (2013) has recently described the quotidian arbitrariness of the use of force in his ethnography of anti-crime squads which operate in the suburbs of Paris.

From an empirical, qualitative research perspective, we still know relatively little about the conduct and misconduct of police forces around the world. While the police, as the executing agents of the state’s monopoly of violence, openly exhibit their readiness to use physical force legitimately, they generally have no interest in making visible abuse or excessive use of force as being part of the routine of policing. The perceived “rarity” of police brutality, to use Worden’s expression, is partly consequence of its belonging to the realm of invisible state action. The public becomes cognizant of the dark side of police work only if and to the extent that it is “accidentally” made visible, for instance, by means of surveillance cameras, mobile phones or dashcams, and broadcast or spread by social media. Artistic and journalistic projects that seek to augment the visibility of police violence by gathering and exposing evidence—like objectsproject.org, mappingpoliceviolence.org, or “The Counted”, to name a few—give an idea of the, often unnoticed, endemic nature of police (ab)use of force.²

² All projects refer to police violence in the US. “The Counted” is hosted by the British newspaper *The Guardian*.

As far as Portugal is concerned, the unmotivated beating of a Benfica football fan by police officers in front of his children recently attracted some international attention. The incident was filmed and made it into the news of British and even US media, being quoted also in the 2015/16 report of Amnesty International.³ From a non-journalistic perspective, the 2015 report on Human Rights Practices of the US Department of State refers “credible reports of excessive use of force by police” (USDOS 2015: 2), and the periodic report of the European Committee for the Prevention of Torture quotes much evidence for the use of abusive force by police officers (CPT 2013). In the course of my own research in neighbourhoods in the periphery of the Lisbon Metropolitan Area and two criminal courts, I learned of a large number of accounts of police abuse of force, mainly against young, economically disadvantaged citizens. Then again, Durão’s in-depth studies on Portuguese police culture likewise point to a number of situations during which officers of the Public Order Police (PSP) resorted to physical and/or symbolic violence during patrols or at the station.⁴ To quote just one example, Durão narrates that during the 2004 UEFA European soccer championship in Lisbon:

various officers of police stations acquired expandable metal batons, based on the model of the officers of the riot police [*piquet*], where this instrument is provided for by the equipment plan. These batons are lighter and transportable, but also stronger and harder. A young [officer], referring to his baton, said that he hadn’t yet baptized it, that is, used it. Whereupon one [officer] of the riot police said to him: “Let’s go down there and seize some nigger [*preto*] or other. We’ll beat them up.”⁵ (Durão 2006: 251-2)

In this article, I will discuss incidents of police violence as reported by the inmates of a youth detention centre in the city of Lisbon.⁶ As John Comaroff has noted, to avoid the pitfalls of “abstract, generalized-yet-narrow conceptions of policing”, it is imperative to contrast ethnography and critical theory within a “dialectical methodology”, that is, reading “the empirical microscopy of everyday policing against the larger forces that give shape to it” (2013: xvii). In this sense, the following discussion of police (ab)use of force against youth offenders in Portugal is meant to contribute to the anthropology of policing by exposing the

³ See <http://www.telegraph.co.uk/news/worldnews/europe/portugal/11617080/Footage-shows-Portuguese-police-beat-man-in-front-of-his-children.html> (accessed 20 May 2016) and AI (2016).

⁴ Portuguese police forces are administratively divided into the Public Order Police (PSP) and the “judicial” police (Polícia de Segurança Pública and Polícia Judiciária). The former are mainly responsible for street patrols and investigation of most criminal offences, while the latter’s responsibility is confined to the investigation of felonies and organized crime. Practically all reports of youths quoted here refer to the PSP.

⁵ All quotes originally in Portuguese have been translated by the author. In the case of interviews, the translation sought to keep as close to the Portuguese original as possible, even where this resulted in rather awkward English versions.

⁶ To protect the inmates’ anonymity, the centre’s name will not be given here.

inherent logic of incidents of violence, and relating them to other authors' observations and theories on the subject matter. While the case of Portugal is unique in its particular nature, the narratives of the youth offenders from Lisbon prove to be akin to accounts of police abuse of force from many other places. Notably, their narratives confirm the high prevalence of police violence against juvenile offenders and its quality as a form of extrajudicial punishment. By reading the youths' narratives, first on their own terms and, second, comparatively and in view of theory, I seek to make the pervasiveness and dynamics of violence in youth–police encounters intelligible, both in their particularity and in regard to some of the characteristics of policing itself.

Methods and Limitations

The narratives on police violence presented in this article are excerpts of interviews with sentenced juvenile offenders, conducted during three fieldwork periods of five weeks each over the course of a year in one of the six so-called “Educational Centres” operating in Portugal at the time of writing (see Zoettl forthcoming). The centre where the research took place was home to a variable number of around 40 inmates (around a quarter of whom were female), interned mostly for offences such as muggings, burglary, bodily harm or small-scale drug trafficking. During the course of the research, semi-structured and audiotaped interviews were conducted in private with 24 inmates (18 male, 6 female), lasting from just over half an hour to nearly three hours. Interviews focused on the youths' personal background (family, living conditions, neighbourhood life) and institutional “careers”, that is, inmates' experiences with schools, child welfare institutions, the courts, youth detention centres and, finally, the police. The author was further allowed to study the entire case records (dossiers) of all inmates, which was done in 35 cases (26 male, 9 female).

Interviewees were selected on the basis of assumed “complicity” (Marcus 1997), that is, the fieldworker's subjective impression of personal affinity, which had been established (or not) with a number of inmates in the course of my day-to-day participation in the centre's routines. Most interviewees (aged 13 to 20)⁷ openly talked about their personal background and life histories, reflecting on histories of family violence and frequent incidents of violence in school or in the (mostly social housing) neighbourhoods where they grew up. The great

⁷ The Portuguese law on juvenile offending (LTE 1999) is applicable to crimes committed by offenders aged 12 to below 16 (at time of the crime), who may be subjected to internment until they turn 21.

majority of interviewees made no secret of the violence they had perpetrated themselves, and often reported a number of offences for which they had never been investigated or convicted. With one exception, all of the centre's inmates (and all of the interviewees) belonged to the economically marginalized strata of Portuguese society. Most of their parents were employed in low-wage jobs or unemployed. Some parents had served prison sentences themselves, others had died early as a consequence of drug abuse or diseases, and a number of inmates had grown up with relatives. Around a third of the juveniles came from families with a migration (lusophone African) background or belonged to other ethnic minorities.

Over the course of the interviews, inmates were enquired about their experiences with law enforcement agents. Generally, this part of the interview was introduced by asking the juvenile to describe the first encounter with police officers s/he remembered. The interviewee was then asked to detail the whole chain of events which had, eventually, led to their arrest, that is, the situation which provoked the encounter with the police (sometimes an offence, sometimes not) and, in those cases where the suspect was taken to the station, the proceedings and the events which led, eventually, to the use of force. When interviewees reported incidents of police violence, they were enquired about the prevalence of such occurrences, and asked to detail other incidents.

All the male inmates who were interviewed, and one female inmate, reported having suffered police violence, occasionally or on a regular basis. As in legal terms the youths' reports have to be considered uncorroborated evidence, I will treat them, in what follows, as "narratives", that is, without taking into account their actual substance. However, the inmates' reports are not merely taken as "stories" for the purpose of a "narrative criminology" as suggested, for instance, by Sandberg (2010). Although it is true that, as Sandberg argues, interviewees' accounts often allow for divergent interpretations and belong to "a discursive form where ambiguity is tolerated" (2015: 1183), they are normally structured by a series of factual events or actions that have taken place—or not.

For the present case, the truth and substance of the youths' narratives are of considerable importance, as allegations of ill-treatment by police officers in Portugal are only exceptionally deemed justified by the competent administrative bodies. In 2015, for instance, the Inspectorate General of Internal Administration, responsible for investigating violations of citizens' rights by state authorities and officers, registered 717 incidents of alleged ill-treatment by law enforcement officials, either in consequence of notification by the Public Prosecutor's Office or direct complaints of citizens. However, of the 710 administrative

processes concluded in the same year, only two lead to disciplinary proceedings (IGAI 2015: 81), with unknown result.⁸ For the preceding years, the 2012 report of the European Committee for the Prevention of Torture notes that, “at the time of the visit, no case of alleged ill-treatment by police officers investigated by the IGAI had resulted in a disciplinary sanction for the previous three years” (CPT 2013: 14). Moreover, complaints which are considered “clearly unfounded or irrelevant” or of little seriousness do not result in an administrative process at all (2015: 79-80).⁹

As for the credibility of the youths’ narratives, it is important to note that their accounts of encounters with the police were only a part of a comprehensive interview on their life histories. While the youths obviously told the story from their own point of view, I was able to judge the overall verisimilitude of the narrations by assessing their internal coherence, comparing them with those of other inmates (some of whom had known each other before being interned) and cross-checking a number of elements by scrutinizing the interviewees’ case files. To all intents and purposes, the offenders’ narratives proved consistent in themselves and in relation to the “official” narratives registered in the files. Only minor divergences became apparent, by way of exception, and these were normally related to an interviewee’s reluctance to talk about family issues (for instance, one youth said he had stolen from someone on the street when he had actually stolen from his mother). It is therefore reasonable to presume that the offenders’ narratives regarding their encounters with police officers—albeit representing solely the victim’s perspective—do also correspond to actual facts. Moreover, in a number of cases (concerning illegal arrest and questioning), the youths’ claims could be confirmed with the help of the police records on their detainment, which formed part of the case files.

The main limitations of the present study are thus less situated in an eventual lack of substance of the youths’ reports, but in the fact that the police officers’ point of view remains obscure. Acknowledging this limitation, I will recur to other authors’ findings on police behaviour to assist in elucidating the juveniles’ narratives. The ethnographic evidences collected by Durão, for instance, while not directly referring to police (ab)use of force, correspond to many of the youths’ reports, and allow a link to be established between the narratives on violence and the praxis of policing itself. Though only part of the “whole” story,

⁸ Of the total number of 1206 ongoing administrative processes in 2015, 489 belonged to the preceding year and 496 where postponed to the following year.

⁹ The annual reports only publishes the number of administrative proceedings instituted, not the total number of complaints received.

the youths' accounts contain a wealth of difficult-to-access experiential knowledge of police behaviour. Being doubly "minor"—referring to the experiences of underage citizens and representing narrations that usually go unnoticed within the body of dominant discourses on crime and justice—they are all the more worth paying attention to.¹⁰

In what follows, I will briefly introduce the Portuguese juvenile justice legislation with regard to police action, and contrast the law's provisions with some of the offenders' reports. I will then present the youths' narratives on police violence and read them on their own terms, that is, by ordering and categorizing them according to what I presume to be the respective end of the use of force. I will then undertake a re-reading of some of the narratives in view of other authors' observations, linking the Portuguese evidence with evidence from other places. Finally, on the basis of both readings, I will suggest an interpretation of the youths' reports which seeks to make sense of violence by relating the acts of individual officers to broader issues of social order, citizenship and state authority, against a background of processes of othering of marginalized citizens.

Law and Practice: Detention, Questioning and Body Searches

A new law for youth offenders (LTE, literally Law for Tutelage and Education) came into effect in Portugal in early 2001. It implemented—following popular demands for legislative action against supposedly rising youth crime rates—a policy of control and containment of juvenile offenders and, at the same time, introduced guarantees of due process of law for juvenile suspects (see Neves 2012). The LTE stipulates the functioning of juvenile courts and detention centres, and establishes a number of strict rules of procedure for police action, particularly regarding the identification, arrest and questioning of minors who fall within the scope of the law. For instance, detention may only take place if the youth has been caught *in flagrante delicto* and for acts punishable (according the penal code for adults) with a maximum prison sentence of over three years (LTE: Art. 52). Arrest for the purpose of identification is only allowed for a period of not more than three hours (Art. 50). In both cases, the youth's parents must be informed immediately (Art. 53) and the suspect, if not presented forthwith to a court, must be entrusted to her/his parents (Art. 54).

¹⁰ Throughout the article, great care has been taken to guarantee confidentiality of all personal data collected. All citations have been thoroughly anonymized and no references are given for data derived from case records. Personal pronouns do not necessarily indicate the actual gender of the interviewee.

As far as the processual rights of juvenile suspects are concerned, the legal guarantees provided by the Portuguese LTE are exemplary in comparison to other countries in Europe, and in the international context. Investigated and tried by a family court, juveniles nevertheless enjoy the full legal rights of criminal suspects, and the law establishes a number of norms that guarantee their particular legal protection. The LTE, for instance, only permits judicial hearings of the youth; questioning by police authorities—unlike in most European countries—is not allowed under any circumstances (see Barbosa e Silva 2013: Art. 47). With the passing of the LTE, the Portuguese legislator thus followed (albeit rather late) other European countries' undertakings to implement “due process” within the juvenile justice system—an effort which has recently suffered a relapse in some jurisdictions, such as England and Wales (see Junger-Tas and Decker 2008; Muncie and Goldson 2006).

The detailed and strict rules of procedure prescribed by the Portuguese LTE, however, do not always seem to be observed in practice by the police. The interviewed youths reported having been arrested frequently and taken to the police station. One youth stated he had been conducted to the station “7 or 8 times”, two other youths 15 to 20 times; another two interviewees stated having been taken to the station 7 times in a single week, another one “countless” times, and still another “easily more than a 100 times”. Arrest often took place for no specific reason. “The police already knew me”, one youth stated, “as soon as they saw me, they took me to the station”. “It came to the point that I had to hide whenever I saw them [the police] or run away whenever they saw me”, another youth reported, “because if I didn't, I would already be on the way to the station.”

Although the “more than a 100 times” one interviewee mentioned probably has to be taken as a rather exaggerated estimate, many of the youths demonstrated a thorough knowledge of the distribution of the city's police forces, being able to name half a dozen or a dozen names and locations of police stations of the Greater Lisbon area they had been to. In the youths' reports, police officers often refrained from informing their parents about their detention, or did so only after a long lapse of time. For instance, one interviewee claimed that, on one occasion, having arrived at the station “around two o'clock [at night]”, his mother was only informed “at 5 o'clock [in the morning] or thereabouts”. Police files corroborated such reports, stating, for example, that a youth had entered the station “around 07:20” and was handed over to his mother “around 17:30”. Not informing the parents of their children's detention, according to the juveniles, seemed to be a common praxis: one interviewee, for example, stated that “in my neighbourhood, they don't call them [the parents], only if it's

something serious”. Another one, demonstrating some knowledge of the law, reported that only “on rare occasions” were his parents informed of his being detained and connected this fact with the beatings he was subjected to inside the station:

Did they usually call your parents? That was very rare. It was very rare. According to the law, they would have to call [the parents], because being under 16 years I couldn't leave the station on my own. But it was very rare, because they knew ... They beat up the youths, do all kind of things. How will they afterwards on top of that call their parents to pick them up? They usually let me [go], just saying “Go, get off, away you go!”

In the police files, a juvenile's arrest was usually justified, in accordance with the law, for the purpose of identification. However, occasionally it became apparent that the identification of the youth was followed by her/his questioning, for instance, when a police officer stated that “in view of the facts and due to the necessity of clarifying the whole situation regarding the provenance of the [stolen] objects and the identification of the accomplices [...] it was necessary to transport them to this Police Department”. In another case, it was recorded that the youth was conducted to the police station “as a witness” (something not provided for by the law) “in order to clarify the facts reported in the investigation” and subsequently “confess[ed] the authorship of the robbery and the attacks on the victim”.

According to the files, the suspects' confessions at the police station regularly took place of the juveniles' own accord. However, the same files demonstrate that, contrary to the law's precepts, in many cases youths were questioned extrajudicially by the police. For instance, in one report it was taken down that “questioned on the origin of the mobile phone, NN stated readily, of his own free and spontaneous will, that he had stolen it under threat of physical violence”. Police files also suggest that youths were subjected to searches (not provided for by the law), as when it was recorded that “the suspects were conducted to this Police Department and nothing else was found in their possession that would have been related to the mugging”. A number of police reports thus corroborated the inmates' narratives that they were frequently arrested, questioned and searched by police officers.

On the Streets and at the Station: Techniques of Violence

Arrested and taken to the police station, a large number of youths reported having been subjected to violence. In the case of male inmates, some form of abuse seems to have been the norm rather than an exception. As mentioned, all male inmates reported incidents of violence

inflicted on them by police officers, which occurred in practically all of the Lisbon police stations they were taken to (the station of Lapa district was cited as an exception to this). One youth with a particularly high number of involuntary visits to police stations ventured to estimate that in “87 out of 100” cases he had been subjected to beatings. Another male inmate reported that beatings also took place outside the station, in broad daylight:

Whenever they caught sight of me, they seized me and started to beat me, *bam, bam*. It couldn't be helped. *Where did they beat you, at the station?* No, they were beating me on the street! That's why I don't like to hang around with the lads in the cafés. As soon as the police show up, *bam*, stand against the wall! They start right away to hurl blows, even there in front of all the people, in the café. They don't care. It's always like that. We're around, easygoing, just drinking, smoking, easygoing. They arrive, *bam, bam*.

The techniques of violence used, according to the youths' reports, were varied; for the purpose of description I will categorize them as “physical”, “symbolic” and “physical-symbolic” forms of violence. I consider violence as “physical” if it seeks primarily to inflict bodily pain, and as “symbolic” if it seeks primarily to attack a person's sense of self-worth. However, as Fassin (who terms the latter as “moral violence”) has noted, the distinction between physical and non-physical violence in practice is “less clear than it appears”, as the powerlessness experienced “in front of excessive use of force in itself involves a moral dimension of abasement” (2013: 129). Nonetheless, I will reserve the term “physical-symbolic” for those forms of violence which seek to attack a person's sense of self-worth through techniques which aim at the victim's body, though without inflicting marked bodily pain.

The most common form of physical violence reported was slaps in the face or on other parts of the body, inflicted either with bare hands, leather-gloved hands or else with the help of accessories, like a phone book. The youths interpreted the use of gloves and also of phone books as an attempt to avoid leaving marks of the beatings. One interviewee, for instance, stated that:

They gave me a slap in the face, in front of my brother and my two buddies. But then, [when I was] on my own, they hit me with a phone book. They beat me with a phone book, so as not to leave marks. They beat me on the chest [*nas costelas*] and these kinds of things.

Physical violence also included beatings with the baton and kicks (“Their boot-treads were left behind in my flesh”). One youth reported the deliberate use of teargas, outside the police station. Although interviewees were not asked about the sequelae of the physical violence suffered, in some cases significant injuries seemed to have been caused. One youth, for instance, reported having left the station with his nose broken and his lips split open,

another with one of his legs turned “black” from the bruises that resulted from the kicks he had received. Some of the youths stated that beatings took place in the dark (within the station), a fact they interpreted as an effort to prevent identification of the perpetrators.

As far as “physical-symbolic” violence is concerned, the most widely used technique seemed to have been ordering the youths to completely undress within the police station, usually in front of police officers and, eventually, other juvenile suspects. The undressing was followed, in some cases, by searches which included the order to bend the trunk down to allow for visual inspection of the rectum. In some cases, undressing was followed by beatings. Other techniques that could be categorized as “physical-symbolic” were to take a stranglehold on a youth’s throat and the deliberate use of handcuffs within the station. “Purely” symbolic violence included insults and threats. One youth, for instance, was told “that I should not say anything to my mother. Because otherwise, if they caught me again doing something [committing another crime], they wouldn’t let me go, or would beat me really seriously.”

Categories and Ends of Violence

In what follows, I will group the juveniles’ narratives on police (ab)use of force into four categories, according to what I believe to be their outward aims. As the present study discusses police violence from a retrospective position, the intended purpose of the violence inflicted can only be inferred on the basis of the victims’ reports. However, the Portuguese youths’ narratives match up with other authors’ observations from other countries. First, according to the youths’ reports and their own interpretation, violence often seemed to be employed as a technique of police investigation. One interviewee who had been beaten by the police “only once”, following his detainment for small-scale drug dealing, for instance, stated that this had happened to make him reveal his hiding place for drugs. Another youth, who had been treated to slaps in the face and kicks, stated that this had happened to make him reveal the hiding place for the stolen goods from a burglary. In other cases, beatings were carried out as a means to make the arrested youths confess the crimes they were being accused of. One minor reported having received slaps in the face to make him “say if I dealt [in drugs] or not”. A youth who was arrested together with his older brother two days after a burglary stated that:

My brother said: “I did it, but my brother [the interviewee] was not there.” And I [said]: “No, no, I was there. I was there.” I kept saying so, so that my brother wouldn’t shoulder the blame. In the end, the

policeman came beside me: “Okay, take your glasses off.” “Why take my glasses off?” “Take your glasses off!” I took them off, and my brother stepped forward: “No, don’t beat him!” My brother received a blow with the fist, right away. Me, they slapped in the face then. They hit [*deram*] my brother, me, my buddy, a punch in the stomach, because he covered his face, and my other buddy. Then they hit my buddy again, the other one, me and my brother.

Fassin describes similar practices of “investigative” police violence in France, which he was able to witness from a distance on several occasions (2013: 131). Fassin compares the French interrogation practices to Skolnick and Fyfe’s discussion of widespread, so-called “third degree” techniques of US law enforcement agents, which consist in the inflicting of physical or mental pain to extract a confession (Fassin 2013: 131). Skolnick and Fyfe also mention the use of telephone books as a device for beatings, which have been reported by some of the Portuguese youths (1993: 45). Jauregui, to cite another example, likewise points to the prevalence of violent “questioning” of suspects, openly admitted by officers (“If we do not beat [them], they do not tell us anything”), and specific techniques that inflict pain while minimizing marks on the body (2013: 133; 31).

Second, some of the Portuguese youth offenders’ narratives point to violence for the purpose of compelling deference for police officers’ authority. Two youths, for instance, reported having, respectively, received slaps or a punch in the face for “talking back” to an officer. Another stated having being subjected to beatings, together with fellow detainees, for mocking an officer’s northern Portuguese (from the city of Porto) accent. As a matter of fact, most interviewees showed little respect in encounters with the police and, as the following quote demonstrates, were not inclined to change this attitude as a consequence of the corporeal punishments received:

Sometimes [I said]: “I don’t know.” Sometimes, I didn’t answer. *And then they slapped you?* Yes. *And then?* And then I called him “son of a bitch”, and these kinds of things. *And they slapped you again?* And they slapped me again. *And then?* Then I told him to fuck off [*ir para a cona da mãe dele*] and these kinds of things. [I got a] thrashing. *So it became worse?* Yes, two or three of them showed up and gave me a thrashing. *Together?* Yes. With a truncheon, one kicking me, the other one giving me slaps and punches in the face.

A number of scholars have pointed to police officers’ demand for deference in their encounters with “ordinary” citizens. Westley long ago remarked that, from an officer’s perspective, the individual “who lacks respect for the police, the ‘wise guy’ who talks back, or any individual who acts or talks in a disrespectful way, deserves brutality” (1953: 39). Becker, in his study on the careers of “outsiders”, came to suggest that “a good deal of enforcement activity is devoted not to the actual enforcement of rules, but to coercing respect

from the people the enforcer deals with” (1963: 158). Worden, in his discussion of the causes of police abuse of force, quotes a number of studies that affirm, for instance, that those who “defied what the officer defines as his authority were the most likely victims of undue force”, or that “many of the citizens against whom force was used were antagonistic and/or uncooperative” (Reiss/Croft cited in Worden 1996: 40; 41). Likewise, Manning points to police violence as “a means of restoring deference” (1980: 137), and Waddington remarks that refusal to show deference towards the police will most likely not be condoned and may be “regarded as a challenge to police authority that provokes a coercive response” (1999: 17).

Sykes and Clark observed that police officers expect deference particularly from (alleged) offenders and juveniles (1975: 588-90). Correspondingly, Brown et al. mention that officers “may view the conduct of juveniles as symbolically more serious than if the behavior was committed by an adult, thus juveniles who [...] disrespect officers may be perceived as worthy” of being confronted (2009: 200). However, other authors have emphasized the fact that respect is based on the principle of mutuality. Friedman et al., for instance, note that “police–youth interactions are a two-way street with both parties playing a role in the respectfulness that each one experiences in contact with the other” (2004: 19).

All of the Portuguese juveniles interviewed maintained a difficult relationship with the police. “The police hate me, in my area”, one of them stated, and gave an account of the dynamics of youth–police encounters, in which the refusal to display deference and the violence perpetrated/received built up reciprocally: “Whenever they approached me, I told them to go to hell. When I managed to run away, they got furious, they caught me, they thrashed me, and I told them: ‘Beat me more! If you don’t kill me, I’ll be back again!’” In fact, a number of the youths’ narratives point to role-specific, mutually reinforcing behaviours on both sides, which subsequently escalated. The juveniles’ reluctance to show respect seemingly tempted some officers to “teach them a lesson”, which consequently further corroded the youths’ respect for the police forces at large.

The aim of compelling deference is related to a third category of violence: in many cases police officers, according to the youths’ narratives, seemed to have resorted to violence for “educational” purposes. However, “educational” violence was not only inflicted to teach respect for the police, but apparently as part of a more comprehensive “pedagogy of chastisement”. For example, one youth who, before his internment in a youth detention centre, had been confined to a child welfare institution from which he frequently ran away, reported that the officers who seized him on the streets of Lisbon and subjected him to

beatings at the station told him “that they were tired of taking me to the institution and that someday this would turn out badly”. Another youth, who had likewise been institutionalized before his internment, reported having been subjected to physical violence by police officers within the confines of the child welfare institution. The institution had called the police after he had shoved a staff member:

There was also another [time] which happened there, in the *colégio* [child welfare institution]. The police went there, and a minder [social worker] was there, and said that I had flared up and stuff. Then they [the police] said [to the minder], it was the minder NN, they said: “Would you mind going out for a while, please?” The minder went out, they closed the door. They seized me here, in the shoulder region, they started to squeeze me here, to the point that, you lose your force, to the point that I started to go down. And when I went down, they gave me a couple of kicks. [...] *And then they opened the door?* Before, they said that I should get up. I got up, and then they opened the door, and then they said: “Good afternoon!” And they stepped out through the door, took their car and went away.

“Educational” police violence has been registered by a number of authors. Fassin, for instance, reports that French police officers “sometimes affirm that giving a good slap to a teenager who has committed a minor offense [...] has a pedagogical value” (2013: 129). Jauregui points to the idea of “violence as reform” among the officers she accompanied during her research, citing the example of a beating strap lettered (in Hindi) with the words “social reformer” (2013: 132). However, Fassin also observed that pedagogical retribution and “straightforward revenge” at times merge into one another. “Usually the teenager in question is not chosen entirely at random”, Fassin notes, but is an individual already known to the police, or, “as I heard officers say on several occasions, an individual with whom they have a personal score to settle” (2013: 199). In fact, many of the Portuguese juveniles who reported having been subjected to violence had a long-standing difficult relationship not only with the police in general, but sometimes also with specific police stations and/or officers.

Finally, in some cases, violence seems to have been perpetrated as an end in itself. I include within this fourth category those incidents of violence that are geared mainly towards humiliating the victim and which are most often “symbolic” (“they treated me like a dog”) but also “physical-symbolic”, as in the case of illegal strip-searches. Some of the youths’ narratives point to a certain amount of pleasure apparently derived from beatings, as in the case of a youth who was arrested together with his friends as suspects with regard to a mugging. The youth reported that, inside the police station, one of the officers was hitting his friends on the head with an expandable baton while chanting and following with the blows the rhythm of a popular Portuguese children’s song (“Um Dó Li Tá”). As he remarked, his

friends “were crying. And them, the more they cried, the more the police hit them.” The youth’s report matches with Jauregui’s observation that “police violence may be seen not only as a duty devoted to ‘reform,’ but also as itself a form of dark pleasure”—a conclusion openly confirmed by one of her informants who stated that “this [hitting a suspect] is what they like to do. The constables get amusement out of this. It is entertainment for them” (2013: 132; 37).

Visions of Violence

Before proceeding to a second reading of the youths’ narratives, I will briefly examine the reactions to incidents of violence, both on an institutional level as from the point of view of the victims. The nonchalant departure of the officers in the above-quoted case of a Portuguese child welfare institution suggests that the officers were not expecting the youth to complain about the treatment received (n)or the institution to react to it. A further juvenile’s statement corroborates the impression that, for whatever reason, a number of institutions charged with the care of young people turn a blind eye to police violence. This juvenile had been entrusted to a child welfare institution due to the premature death of both of his parents, and stated that the institution’s staff regularly concurred with police beatings:

[T]hey knew about it, they just didn’t say anything [against it]: “I say, well done!” The way they think is also like this: “You’ve done mischief, so you’ve got a thrashing.” They goad the police to do just that. They encourage them [*dão-lhes moral*]. [...] They already knew that we had marks, and from those marks they already knew: “Look, they got a thrashing from the police.” And they don’t say anything.

Some youths reported that their allegations of having suffered violence in the course of police investigations also went unheeded in court. As for adult offenders, I was able to witness a general lack of concern of prosecutors and judges regarding defendants’ reports of police abuse in the course of another research project in the Lisbon Metropolitan Area (Zoettl 2016). Such allegations were generally dismissed with the formula that the accused could, if s/he chose, press charges against the police in another lawsuit. Fassin has equally noted a reluctance of French prosecutors “to adopt a position entirely independent of the police”, linking this indulgence to the prosecution’s “increasing dependence on the executive power” (2013: 123). Curiously, the apparent indifference of prosecutors (and judges) with respect to allegations of police violence in Portugal was, at times, equally manifest in the attitude of court-appointed lawyers. One of the youth detention centre’s inmates reported similar

experiences, and, in his attempt at an explanation, identified court-appointed lawyers with “the state” itself:

We reported what had happened, that they beat us, everything. There, at the court, the prosecutor doesn't care about us. He sees our file, sees that we already have some criminal proceedings, they immediately think that we did it again [committed the crime]. They think that we don't have defence. How can we defend ourselves like that? The [court-appointed] lawyer is also from the state, she can't help [us]. If it was a defence lawyer I had contracted with my money, she would already be of more help.

Many youths reacted to the violence they had suffered with an emotional state of revolt and lamented the lack of concern their complaints provoked. Others, however, seemed to consider it as “normal” and sometimes even subscribed to the belief in the “educational” purpose of the beatings. One interviewee, for instance, stated that he considered the treatment he regularly received at the station as not being “normal, on the one hand”:

On the other hand, I think it is. You enter there [the station], they beat you [*dão*], which is for you to learn, so that you won't show up here again [in the station]. This side I understand. On the other side, I don't understand it. We arrive there, *bam*, they keep thrashing us ... No, the most obvious [would be] that they don't beat us.

Yet others played down the importance of the violence suffered. “As my grandmother used to say when I fell down [as a child]: whatever swells up, also swells down”, one of the youths joshed, alluding to his experiences at the station. Some interviewees compared the violence suffered by police officers to their own acts, saying, for instance, that “Nobody has the right to beat us, isn't it? But we also don't have the right to assault anybody.” As a consequence of this reasoning, police violence was rejected more categorically when it took place in situations where the youth had not committed any crime whatsoever, as in the case of one interviewee who stated that “that time it was more serious, because it was really not me who did it [a mugging]”.

Then again, some youths reported acts of “counterviolence” they had perpetrated, like throwing stones at passing patrol cars. One interviewee stated having given a beating to the daughter of the officer who had punched her in the face at the police station. While some youths attempted to “retaliate” against what they considered police abuse of force, others expressed their feeling of helplessness in relation to the violence suffered. The same interviewee who, in the earlier quote, lamented the welfare institution's approval of extrajudicial punishment, for instance, ruminated on what could actually be done to take action against illicit acts of the police. In his attempt to dissolve the double bind imposed by the abuse of force on the part of law enforcement agents (that is, having to resort to the police

in order to impede police action), the juvenile ended up postulating the existence of a “super-police”, whose duty would be to contain the action of subordinate officers:

Many youths try to report with might and main, but there is really no chance. They can contradict us, isn't it? They are police officers. If we would report to another station, the other station, as they do the same, they won't say anything. Only if we went to a super-station. In a super-station, they don't do this, isn't it? They are only chiefs. I don't know, I've never been to a super-station, so ...

Re-reading Narratives of Police Violence: Police, Order and Citizenship

The above quote, in common with the reports of the great majority of the YDC's inmates, suggest police violence against juveniles in Portugal to be a widespread practice. Contrary to the provisions of the law, juveniles are frequently arrested without being *in flagrante delicto*, either as suspects or without specific reasons, they are questioned at the police station and, at times, subjected to a range of techniques of physical and/or symbolic violence. Based on youth offenders' narratives, I have provisionally postulated the presence of four major “ends” for the use of violence: violence may be employed, first, as a “technique” of police investigation; second, to make juveniles respect and submit to police authority; third, as an “educational” measure; and, finally, “offhandedly”, that is, as an end in itself.

However, as Fassin has likewise observed, it is often difficult to distinguish the various objectives which may be present in a single incident of violence (2013: 132). While the Portuguese narratives, as well as other authors' findings, suggest certain recurring motives for incidents of abuse of police force which allow them to be grouped in ideal-typical categories, these motives sometimes overlap. A beating given for “educational” purposes may, at the same time, serve to command respect, “convince” a suspect to make a confession or even to work off an officer's professional frustration. Moreover, the boundaries between use and abuse of force are not always clear-cut. As Jauregui has noted, as “the lines between il/legal and extra/ordinary violence are [...] socially constructed”, what appears “to be ‘excess’ is in fact coterminous with what appears to be ‘justifiable’ or ‘legitimatable’” (2013: 130).

In what follows, I will proceed to a second reading of the juveniles' reports and seek to render the apparent prevalence of police violence in Portugal intelligible by linking the outward motives manifest in the narratives to what I consider to be their underlying structural reasons. Scholars widely agree that “law enforcement” is neither a defining characteristic of policing nor, in practice, a major part of police officers' actual activities (see, for instance,

Bittner 1970: 46; Waddington 1999: 4-5). Foucault has expounded that the *Polizey* (police) in Germany and France had initially been conceived as a many-faceted regulatory extension of state administration.¹¹ It was only over the course of the 19th century that the police handed over their administrative tasks to other specialized state agencies (for health, roads, markets, etc.), preserving mainly the function of maintaining internal order and exercising state authority.

“As a result,” Foucault notes, “the notion of police is entirely overturned, marginalized”, taking on the “purely negative” meaning of an instrument “for ensuring the prevention or repression of disorder, irregularity, illegality, and delinquency” (Foucault et al. 2007: 452). Foucault’s historical account of the police is in accord with criminologists’ observation of the central importance of “order” and “authority” for defining (today’s) police work. Waddington, for example, has emphasized the fact that “authority is not exercised episodically when police become involved in some incident, but imbues *everything* that the police do” (1999: 20). Police agents, Waddington notes, exercise authority not only when intervening in some incident, but also, for instance, “when they wander aimlessly about asserting their right not only to pass through public space, but also to command it by watching whoever they choose and tacitly granting permission to others to go about their business” (1999: 20). Interestingly, in Portuguese both police as an institution and individual police officers are often referred to as “the authority” (*a autoridade*), as if representing “authority” itself—rather than one state body among others like, for instance, civil or legal authorities.

If maintaining order through the exercise of state authority (not order per se, but a particular order, as Waddington accurately remarks, 1999: 42) constitutes the chief occupation of modern police, it is no surprise that to uphold police’s authority is also one of the chief concerns of individual police officers. The daily routine of policing is permeated by this interweaving (or entanglement) of the state’s, the police’s and the officer’s authority. The police’s authority is particularly pronounced wherever the reach of other public institutions’ power is most limited. As Benjamin observed in his “Critique of Violence”, the “law” of the police “marks the point at which the state [...] can no longer guarantee through the legal system the empirical ends that it desires at any price to attain“ (1986: 287). It is particularly at the margins of the state that the police may tend to not only represent the law, but, as Derrida puts it in his reading of Benjamin, “behave like a lawmaker in modern times, if not the

¹¹ For the case of Portugal, see Durão et al. (2005) and Cunha (2010).

lawmaker of modern times”. Wherever the police is and has the “force of law”, one cannot, as Derrida observes, “take issue with the police without taking issue with the order of the *res publica*” (2002: 277).

The police’s embodiment of state authority has been noted also from an ethnographic perspective. Das, for instance, reports that policemen, rather “than talking as those who are engaged in implementing rules and regulations” at times “talked as if they directly embodied the law” (2007: 169). Jauregui concordantly notes that police in Uttar Pradesh “tend to conceive of their official job as divided chiefly into two categories: investigation of crime on the one hand, and “law and order duty” on the other. However, as one of her informants put it, “just about every regular ‘crime’ may become a ‘law and order’ problem” (2013: 139-40). Other authors have pointed to the “intimate connection between the police and violence” (Manning 1980: 136) in consequence of the contiguities of state and police powers. The police, Manning observes, “represent the power and authority of the state and thus must be violent” (1980: 136-37). Similarly, Fassin concludes that “violence is in fact constitutive of the very role of law enforcement” (2013: 125). Both authors’ statements corroborate Benjamin’s view of the police as a state institution which suspends “the separation of lawmaking and lawpreserving violence” (1986: 286) and Agamben’s critique of a police who permanently operate “within a state of exception” and a sphere of “indistinction between violence and right” similar to that of sovereign power (2000: 103).

A citizen’s submitting to state order and deferring to police authority may thus be conceived as two sides of the same coin. A suspect who doesn’t defer to an officer’s authority or sets out to challenge the police’s authority altogether—a behaviour apparent in many of the Portuguese youth offenders’ narratives—on the other hand, maybe be perceived as defying order “itself”. As Durão relates, establishing “correct” situational levels of deference is a crucial part of the Portuguese police officers’ informal occupational knowledge. “Right in the first years of practice,” Durão notes, “the majority of police officers learn to demand and to display what are considered appropriate levels of deference, according to the persons with whom they interact, within territories marked by their social heterogeneity” (2006: 235). This variable demand for deference may go well beyond the verbal level, as the following excerpt from Durão’s fieldwork notes on an encounter of a Lisbon drug addict (o Rato, “the Rat”) and two officers demonstrates:

Caetano, the younger [officer], tells “the Rat” to look into his eyes while he addresses him. [...] “The Rat” doesn’t raise his eyes. Caetano feels provoked and exchanges glances with Cruz [the older officer]. Cruz

suggests that he should beat him: “Give him a slap in the face; it’s only like this that he will listen to you”. But Caetano doesn’t react. [...] “The Rat” states that he isn’t able to look [into someone’s eyes] [...]. Caetano eventually accepts this reply. He orders him to clear away his stuff and to get lost. “The Rat” picks up his things and goes on his way, without looking back. This day he escaped a thrashing. (Durão 2006: 246)

Durão’s account of “the Rat’s” encounter with the police points to variable levels of citizenship attributed by officers to their interlocutors. “The Rat”, Durão was told, had received his nickname for “not being part of normal people’s civilization” (2006: 245). As Durão notes, drug addicts like “the Rat” constitute, together with *mitras* (petty crooks), beggars, mentally deranged people, alcoholics and “niggers” (*pretos*) one of the main categories of police action: the policing of “those who compete with the police officers for the area and, with their way of life and their living arrangements, challenge the authority and the ‘order’ of the cities” (2006: 236). As targets of policing, they are opposed, on the one side, to the mass of “ordinary decent people” (*cidadinos de bem*) and, on the other, to further categories like “people with power”, “friends of the police” or traffic offenders (2006: 236).

Within the officers’ daily routine, each group becomes linked to antagonistic notions as to the appropriate stance when dealing with individuals of a particular category—which is either “to help” or “to punish” (2006: 235). To put it in the words of a police commander interviewed by Durão: “This is a job in which we like to defend the ordinary decent people and punish those who harm them” (2006: 54). Of those who should be punished, it is the subcategory of *mitras* who attract most of the officers’ attention. The term *mitra*—which is used mainly to designate petty criminals—goes back to the name of an asylum for beggars established by the Public Order Police (the Albergue da Mitra) during the early days of Salazar’s fascist dictatorship (Durão et al. 2005: 126). *Mitras*, from a police point of view, are those “who behave badly and give trouble to police officers” (Durão 2006: 237). They are “generally assumed to be male, young, and can be either white or negro (*preto*)” (2006: 238). The *mitra*, Durão observes, constitutes “the central figure of the police universe” and is, at the same time, the object of unrestrained extrajudicial punishment: the *mitra* entitles the officers “to exercise an authoritarian pose without the necessity of negotiation and unaffected by the contradictory nature of the [police] mandate” (2006: 238; 43).

Most of the interviewed Portuguese juvenile offenders did indeed perfectly fit into the category of *mitras*: as small-scale drug dealers, institutionalized children who regularly ran away from the child welfare institutions they had been confined to, or else early school-leavers who lived more on the streets than at home and occasionally perpetrated muggings or

went out thieving, they were certainly categorized as individuals who “behave badly and give trouble” to the police. Troubling public order and, concomitantly, refusing to defer to the officers’ authority, their extrajudicial punishment, within the reasoning of police categorization as described by Durão, must seem obvious rather than surprising. As Waddington observes, the way society is policed “depends upon who is policed” (1999: 26). The use of force varies according to the level of citizenship ascribed to individuals by the officers who confront them: “When it is citizens with civil and political rights, then policing is approached with caution; but when the recipients of police authority are not citizens, then police are free to exercise naked coercive force” (1999: 26).

The *mitra*, as a subcategory of policing within a markedly stratified society (Portugal’s income distribution is one of the most unequal in the European Union), is a figure almost completely devoid of citizenship, in the sense Waddington makes use of the term. As a “non-citizen”, from a policing point of view, the *mitra* is (like “the Rat” or the mentally ill) only incidentally considered part of society at large. “Many officers”, Durão notes, “consider the main part of their job to be ‘hunting the *mitras*’”—an expression which again points to the sub-human nature attributed to the *mitra* as a target of police action. Being not only a *mitra* but also a youth—that is, as Waddington puts it, a “not-yet-citizen” (1999: 45)—the juvenile offender is doubly dispossessed of citizenship. Consequently, s/he will be expected either to display heightened levels of deference or else may expect to be punished for challenging the authority of those who consider it their mission to uphold public order and defend the interests of the “ordinary decent people”.

Noble Causes, Social Disciplining and Police Personality

The policing objective of upholding authority, together with the demand for/refusal of deference and the categorization of juvenile delinquents, explain a number of incidents reported by the interviewed juvenile offenders. Those narratives which suggest aims of violence related to either investigative or “educational” purposes, however, require a different explanation. The notion of supposedly “noble causes” which would justify extra-legal police action to make up for a suspected lack of functionality of other institutions has been discussed by a number of authors. Bittner had already pointed to physical punishment as a “technique” of policing “in lieu of the remedies of the penal code” (1970: 104), and Westley noted that police officers may decide to “use just a little more force” if they suspect the courts won’t

punish those whom the police feel should be sanctioned (1953: 38). More recently, Waddington has remarked that the “prospect of substantively guilty people (in the view of the police) escaping justice because of procedural impediments” may lead officers to resort to “corrupt activities” in the service of a “higher ideal” (1999: 148). Violence thus becomes conceptually differentiated into good (serving the police’s mandate of law enforcement) versus evil (offenders’) violence, independently of its lawfulness—a process of mystification of policing observed, for instance, by Larkins, who relates that the Brazilian riot squad’s modus operandi (which includes suffocating of suspects) “is celebrated as professional and calculated—its violence is used for good, not for evil” (2013: 567).

Extrajudicial punishment imposed for the sake of anticipating or substituting uncertain judicial punishment may suggest itself particularly in the case of young offenders. The ample protection granted by the LTE to juvenile suspects in Portugal considerably limits legal police action and may foster the idea that a swift punishment “on the spot” is pardonable if it prevents offenders escaping juvenile justice as a consequence of their procedural rights. Fassin argues such views to be part of the “moral economy” of policing, in which conflicts between the ideal of punishment of offenders and the demands of due process become resolved to the detriment of the latter. Within this context, it becomes acceptable, as Fassin notes, “to mistreat an individual whom one presumes to be guilty—all the more if one is not convinced that the courts will later convict him” (2013: 200). One might conjecture whether the fact that, as mentioned, other institutional actors in Portugal (minders, prosecutors, judges) occasionally seem to condone abuse of police force is based on a similar idea of “noble causes”.

The frequent arrests reported by the Portuguese juveniles—a physical-symbolic form of punishment which doesn’t necessarily imply pain-inflicting techniques—equally point to notions of police as a “judge” for minor cases. Arrest without the intention of bringing charges has been reported as a technique of police “harassment” and a form of “soft” punishment in many places. Following Bittner, arrests in the US are often conceived as “remedies with an immediate import” and are not seen as preliminaries to punishment but “punishment in themselves” (1970: 110). Likewise, Choong reports that police procedures in the UK are frequently understood as ends in themselves, that is, as forms of “summary punishment in which the police station becomes the site in which the on-going conflict between the police and particular individuals, groups and classes is played out” (1998: 625). Arrest, Choong notes, often serves as a means of “reproducing social control” or as an

“exercise in social discipline”, without the intention of carrying out any further criminal investigations (1998: 625-26).

Choongh’s ethnographic findings corroborate Foucault’s argumentation which links the power of detention of the police with what he calls the “micro” or “infra” penalties, that is, the penalization of those fields of social behaviour which the “great systems of punishment had allowed to escape” (1979: 178). Garland has criticized the Foucauldian view of penal institutions as “unduly instrumental and purposive” (1990: 3). Although this critique disregards Foucault’s proviso regarding the contradictory nature of the discourses that transmit and produce power (see, for instance, Foucault 1978: 101-2), Garland’s observation that the Foucauldian approach overlooks the “irrational features” of punishment (1990: 5) applies to a number of the Portuguese offenders’ narratives. While violence as a “technique” of investigation, a measure of “education” or for the purpose of upholding authority matches up with the “social disciplining” models of policing, it is particularly the abuse of force I have called violence “as an end in itself” (like the beating to the beat of a children’s song) that indeed refuses to be coherently examined within such frameworks.

Bittner’s anecdotal assertion that apparently “all police departments employ some officers who like to harass people solely on the basis of their own gratuitous fascination with power” (1970: 100) may explain, at most, sporadic acts of unwarranted violence. Sykes and Clark’s claim that there is no evidence that police officers’ personality would be “in any way different from [those of] the average citizen” (1975: 585) has been confirmed by a number of studies (see Worden 1996: 33-35). However, while police officers have to be considered average citizens, police work is not necessarily an ordinary profession. Chan (2004: 328), for instance, in her Bourdieusian approach to police culture, has pointed to widespread occupational cynicism and frustration in the “field” of policing, an observation corroborated, for the case of Portugal, by Durão. Moreover, Durão’s ethnography of the Public Order Police suggests a direct link between officers’ occupational frustration and the gratuitous use of force, particularly when dealing with *mitras* (2006: 241).

Punishment and Othering at the Margins of the State

Individual attitudes and occupational dynamics may account for occasional incidents of abuse of police force, but they fail to make intelligible the routine deployment of symbolic and/or physical violence by police officers. Interestingly, in their above-quoted discussion of

“deference exchange”, Sykes and Clark (1975) come to suggest that a “violator’s” obligation to defer is not restricted to the situational exigency of displaying deference towards the acting police officers. The suspect and presumed offender, Sykes and Clark note, “in some sense [...] is already guilty, if not of a crime, then of failure to display deference toward his fellow citizens” (1975: 588). By deferring to the police, the offender “reestablishes himself as someone willing to fulfill his interpersonal obligations and membership in the moral community” (1975: 588-9). Refusing to do so, however, “he may be suspected of openly announcing his secession” from the community at large (1975: 589).

If one considers police officers not as mere agents of law enforcement or crime control, but rather representatives of state authority itself—as Waddington puts it, “the authority the police wield is that of the state” (1999: 21)—the demand for an offender’s deference becomes a demand of society per se. It is within this reasoning that Durkheim’s thoughts on crime, punishment and society help to grasp the prevalence of extrajudicial punishments. Durkheim conceptualizes crime not as a violation of individual rights or goods, but as an attack on society itself. Punishment thus becomes a collective act, based on the notion of collective victimhood: society penalizes offenders, “because it is harmed even when the harm done is to individuals, and it is the attack upon society that is repressed by punishment” (1984: 48). An offender’s crimes not only affect the individual victim but also offend what Durkheim calls the “collective consciousness”, that is, the “totality of beliefs and sentiments common to the average members of a society. Durkheim also emphasizes the emotional nature of punishments: “In the first place”, he affirms, “punishment constitutes an emotional reaction” and even in “modern” societies, punishment remains “an act of vengeance” of essentially non-legalist character. Society, according to Durkheim, “only resorts to legal punishments when others are inadequate” (1984: 38-39; 44; 46).

Durkheim’s collective-emotional perspective not only accounts for the unacknowledged “pleasures” of punishment (“Um Dó Li Tá”), but also points to the importance of societal belonging within the logics of retribution. As much as the fate of the individual victim of violent crime becomes “communalized” within the public’s “collective consciousness” (as Durkheim observes), the individual offender may likewise be conceived of as the representative of a collective entity—that of society-threatening people. The acts committed (or not) by an individual youth may thus become identified with the (supposed) behaviours of an imaginary class of people—like that of the *mitras*—to which the juvenile is supposed to belong and in the name of which s/he will be “punished”. Such a “principle of collective

punishment” has been observed, for instance, by Fassin during police operations in the Parisian *banlieus*, where the “search for a suspect generally serves as the rationale for breaking down the door of one or more apartments, [...] shoving or roughing up the people present, most of whom have nothing to do with the alleged offense” (2013: 199). Similar accounts of police operations that target not individuals but neighbourhoods are sometimes given by residents of Lisbon’s periphery (Zoettl 2013).

One of the prerequisites for “collective” punishments that target individuals as representatives of marginal groups rather than for their individual acts—evident also in the narratives of the Portuguese youth offenders who reported having been taken to the station frequently for no particular reason—is the othering of citizens within the criminal justice system. Rose has pointed to the recent “advanced liberal” rationalities of crime control, which seek to sort out offenders who might eventually be reattached “to the circuits of civility” from those “anti-citizens” whose affiliation is deemed impossible, and who are subjected to strategies which seek primarily “to neutralize the dangers they pose” (2000: 330). In fact, most of the Portuguese youths who reported violent encounters with the police could be characterized as “anti-citizens” or “underclass” (Feeley and Simon 1992) in a variety of ways, with a background of poverty, migration, lack of education, imprisoned or drug-dependent relatives, and having grown up in the outskirts of the Lisbon Metropolitan Area.

As Fassin notes, it is the othering of the victim that makes police violence morally acceptable. The officers of the Parisian anti-crime squad, Fassin relates, “rarely experience ‘moral conflict’” as their capacity to exert violence is “fulfilled in relation to a population they have rejected” and placed “in a radical otherness as enemies, or, more specifically”—in the case of the youth from the social housing districts—“as ‘savages’” (2013: 212). One might speculate about the fact that the police station in which two of the Portuguese interviewees reported *not* having been subjected to beatings is situated in one of Lisbon’s central and well-to-do districts. As Durão learned from her informants, in middle-class neighbourhoods, policing “is focused on routine patrol”. It is within the so-called “poor” or “drug” neighbourhoods that police presence becomes “ceremonial, a ‘mise-en-scène’ or spectacularization of security by the state” (2010: 159).

While most offenders’ narratives point to punishments behind closed doors, it is notable that one of the youths also reported beatings “on the street” or “in the cafés”. Such semi-public punishments of offenders point to the performative character of a violence which must normally be kept invisible. Giving a thrashing to a *mitra* or youth offender at the outskirts of

the city renders state authority visible particularly in places where it is perceived by the public to gradually dwindle away. It summons, to use Jean and John Comaroff's words, "the active presence of the state into being" precisely where "the legal dominion of the state runs out" (2004: 809). However, as the Comaroffs have noted, police performance doesn't necessarily hinge on civil spectators. The "spectacle of policing" stages and makes actual the force of the state "both to its subjects and to itself" (2004: 805). A beating behind the closed doors of the police station may primarily be intended to "teach a lesson" to a juvenile offender, but may also reassure the officers (and the public) that their fight against petty crime and vagrancy at the margins of the state is not in vain.

The state is especially prone to recur to violence where it has partially lost control, that is, at the "limits of the sovereign state" (Garland 1996) or when "governing uncertainty" (Mavelli 2016). As Mavelli notes, the poor and the marginalized "represent a threat, a source of risk and uncertainty for the society as a whole", and violence against them "becomes a governmental practice whose instrumental task is not, primarily, to contain or eliminate the threat [...] but to construct identities and subjectivities" (2016: 122-23). In the peripheral neighbourhoods of Lisbon, clashes between the police and "underclass" citizens of diverse origins are commonplace, and have come to claim lives of both residents and officers. However, use and abuse of police force is not only the individual act of those who exercise the state's monopoly of violence, it is, like other forms of violence, a "modality of social relations" (Jauregui 2013)—and as such cannot be curbed without a reconceiving of society's relation with its margins.

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