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**STATE VIOLENCE AND  
INSTITUTIONAL RACISM  
IN BRAZIL: A DIALOGUE  
WITH THE SHORT FILM:  
“DOIS ESTRANHOS”**

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**Abstract:** The object of study of the present work is the Oscar-winning short film 2021, "*Dois Estranhos*". In this cinematographic work, the protagonist Carter is the representation of thousands of young black people who are victims of racism and who suffer from state violence, represented by the policeman Merk. In an interdisciplinary way, from the perspective of the short film, the work intends to investigate the legacies of the Brazilian slave mode of production and its relation with institutional racism, as well as to analyze state violence and its affinity with racism, evidencing the non-application of the fundamental principles in criminal justice. The work dialogues with several areas of knowledge, such as History and Sociology. The research method used is deductive. The results achieved indicate that there are many legal and cultural ties that make it impossible or delay the end of Brazilian institutional racism, denouncing a State that is silent in relation to the fundamental rights and guarantees of the black population.

**Keywords:** Movie theater; racism; state violence; human rights.

## INTRODUCTION

Released in 2020, the short film: "*Dois Estranhos*", directed by Travon Free and Martin Desmond Roe, winner of the "Best Live Action Short Film" award at the 93rd Academy Awards (2021), presents the story of cartoonist Carter, a young black man who relives the same day about a hundred times and, no matter what you do and what you cannot change the end of your story.

Symbolically, Carter represents black victims of racism and state violence, represented in the short by the police officer Merk who, every day, in the time loop of the film, murders young Carter. From the permeability between fiction and reality presented by the short film, it is possible to

investigate the legacies of the Brazilian slave mode of production and its relationship with structural racism, collecting and analyzing data on the relevance of the social marker of race in the issue of state violence.

In the first chapter of this article, the dialogue between Law and Art and the relationship between Law and Cinema is presented. From a jus-literary perspective, the work is presented: "*Dois Estranhos*", in order to contextualize the way in which Law can be represented and discussed from Art. In the second chapter, we intend to make a brief history of slavery in Brazil and analyze how its essence is still present in the social, political and economic environment, correlating with the existence of racism. In the third chapter, state violence is analyzed and, taking into account the considerations discussed throughout the first chapters, it seeks to demonstrate that the problem of racism is at the center of the debate.

Based on an essentially bibliographic research, the aim is to demonstrate that state violence emerges from a system fueled by racism and inequality, which does not guarantee the effectiveness of the application of fundamental principles in criminal justice.

In this framework, from an artistic manifestation - the cinematographic work: "*Dois Estranhos*", the research seeks to contribute to a social critical reflection of concrete problems, which are institutional racism and state violence.

## THE LINK BETWEEN LAW AND ART

Law studies different realities and seeks to solve problems, organizing social relations. Therefore, it aims at a practical end, which will be carried out within an essentially changeable and problematic reality, which are social relations. Like Law, the purpose of Art is to solve a concrete problem and requires

flexibility, adaptation, a clear vision of the end and knowledge of the means to achieve it (MORAES, 2017, p. 13-14).

For Paulo Ferreira da Cunha, Law is a phenomenon that must be analyzed from a triple perspective: technique, science and art, reaching the following conclusion: "It is art that commands the life of Law. Science and technique are its servants: but, as such, essential" (CUNHA, 2005, p. 33).

Considering that "Law is an artistic endeavor" (BAGNALL, 1996, p. 267), in the early 1970s the first exponent of an organized study of this interaction between Law and Art emerged: the Law and Literature Movement. In the specific field of cinema, it was in the 1980s that American and British academics started the Law and Film movement, using films as a complement to legal education.

In the area of art, cinema makes it possible to "recover a sensitivity dampened by the practical investment in which everyday life has become a habit, restoring creative capacity, one of the qualities required for professional success" (SOUSA; NASCIMENTO, 2011, p. 105). Thus, as an artistic expression, cinema can be an important pedagogical resource that provides a more realistic and sensitive view of the field of work of Law.

The cinematographic work: "*Dois Estranhos*" will be used in this article as a starting point for an observation of the legal and social system, in light of the Brazilian reality.

The protagonist Carter is a young black man, a successful cartoonist, who has an incredible casual sexual encounter with a woman named Perri. Upon leaving Perri's apartment, Carter is approached by police officer Merk, who questions the origin of his money and the legality of his cigarette, suspecting that the young man is a drug dealer. The policeman also demands to search the youth's backpack, unconstitutionally.

Dissatisfied with the approach, Carter tries to question the policeman but, in an extremely brutal way, he is immobilized on the ground and, even saying that he is not able to breathe, the policeman Merk continues to suffocate the young man, until he kills him.

The shocking scene recalls the death of George Floyd, a black man murdered in Minneapolis, United States, in 2020, strangled by white police officer Derek Chauvin, who knelt on his neck during an approach for allegedly using a counterfeit twenty-dollar bill in a supermarket. Floyd's death sparked protests against racism around the world.

In the next scene, Carter wakes up again in Perri's bed, with a feeling of déjà vu. The sequence repeats itself again: shortly after leaving Perri's apartment, Carter is approached by the policeman Merk, albeit for a different reason, in the same violent and abusive way, and ends up being killed by the policeman.

The repetition of this situation is the main motto of the short, with a strong social marker of race. Even on the day that Carter decides not to leave Perri's apartment, thinking that this way he would escape the tragedy, Merk and other police officers invade the apartment, without any court order, in a mistaken house search for drug seizure, and end up victimizing the protagonist. Carter deals with different types of death. In one of the scenes, the protagonist manages to dialogue with his tormentor and exposes his view on the violent institutional racism in which they are inserted, but, even after listening to Carter's arguments, Merk continues to reproduce and expose his racism, murdering the young black man in one of the scenes. most desperate scenes of the short. The protagonist always tries new approaches, new answers, new exits, but it seems that he will never get rid of his tragic ending.

The work exposes racism and state violence, showing dimensions of reality that the viewer had often not noticed. "*Dois Estranhos*" it also presents a script full of references. In addition to Floyd, the short mentions another important name in the fight against racism: James Baldwin.

At the beginning of the film, the book "The Fire Next Time", by the critical and activist writer James Baldwin, appears under Carter's desk. The writer addressed serious racial issues in the history of the United States, which divided the country before and after the early 1970s, especially after the death of his friends and fellow fighters: Martin Luther King Jr., Medgar Evers and Malcolm X. Salgueiro (2017, p.53), Baldwin has a lot to say to contemporary Brazil that begins to discuss the racial issue.

Emerging in the field of knowledge of Law, the cinematographic work presented enables the analysis of social, political and economic vulnerabilities, sharpening critical reflection on the legal system.

## THE ROOT OF RACISM

In order to better understand racism and its relationship with state violence, as it is intended to demonstrate, it is imperative to briefly revisit historical facts. It is necessary to revisit the past, analyze history and retell it from voices silenced until then.

In this scenario, looking back at the Brazilian slave system and especially at the circumstances in which enslaved people were relegated after their release, sheds light on the developments that culminate in the existence of so many inequalities and vulnerabilities.

Brazil was the largest slave territory in the Western Hemisphere for nearly three and a half centuries. Between 1501 and 1867, slave ships shipped around 12.5 million slaves to Africa. Of that total, 10.5 million made it to America alive. The death toll on the Atlantic

crossing is estimated at 1.8 million and the remaining 200,000 were sold in Europe or Africa itself (GOMES, 2019, 131).

The 18th century was the most intense period of the African slave trade. Between 1700 and 1800, 2 million captives arrived in Brazil alone. "The buying and selling of human beings had become banal and commonplace activities in Brazil" (GOMES, 2021, p. 17).

The formal decree of the end of slavery in Brazil only occurred on May 13, 1888, when the Lei Áurea was sanctioned. Brazil was the last country on the American continent to abolish slavery – fifteen years after Puerto Rico and two after Cuba.

When they were freed, the slaves did not receive any assistance, a fact that caused many to return to their jobs, receiving low wages and working in undignified conditions (CARVALHO, 2002).

It must be noted that, although it freed blacks from the slave quarters, the Brazilian government did not bother to create norms and/or conditions for the former slave to effectively integrate into the social environment as a true citizen. This way, he was shooed to the margins of society, without any right or state protection, which led many of them to return to precarious working conditions, since they were forced to work in exchange for a plate of food (MIRAGLIA, 2011, p. 128).

That is, "when slavery was finally prohibited, the Brazilian State did not provide land, employment or education for the newly emancipated men and women" (ARAÚJO, 2014, p. 117) and, from then on, the difficulties faced by this vulnerable population began to grow exponentially, leaving deep marks of violence and inequality.

The numbers expose and demonstrate the tragic consequences of this violence and racial inequality. According to the Brazilian Institute of Geography and Statistics (IBGE), based on data from the Continuous PNAD

2019, 70% of people below the poverty lines are black or brown. The employed population of color or white race earns on average 73.4% more than the black or mixed race. In values, it means a monthly income from work of R\$ 2,884 compared to R\$ 1,663. Among the occupants of managerial positions in the country, only 29.9% of these positions were held by blacks or browns in 2018. In sectors with lower remuneration, such as domestic services, for example, blacks or browns occupy 68.9% of positions.

Regarding racial violence, according to the Atlas of Violence 2020, the homicide rate of blacks in Brazil jumped from 34 to 37.8 per 100,000 inhabitants between 2008 and 2018, which represents an increase of 11.5% in the period. Murders among non-blacks in the same comparison registered a decrease of almost 13% - from a rate of 15.9 to 13.9 deaths for each group of 100,000 inhabitants (IPEA, 2020). That is, blacks or browns are more likely to be victims of homicide in the country.

Racism, typified by Law 7716 of January 5, 1989, is a systematic form of discrimination based on race. The Federal Constitution consecrates the repudiation of racism as one of the principles of the Federative Republic of Brazil, in its article 4, item VIII, and recommends as the fundamental objective the promotion of the good of all, without prejudice of origin, race, sex, color, age and any form of discrimination. In its 5th article, XLII characterizes the practice of racism as a non-bailable and imprescriptible crime subject to the penalty of imprisonment.

Product of a hierarchical and stratified society in racial terms, racism is favored and maintained by the Brazilian social structure “economically, socially and, above all, culturally marked by inequality, and traditionally uncritical, demonstrating shameful the situation of complacency or

inertia before slavery” (SCHWARZ, 2008, p.118).

As historian Eric Williams summarized, “Slavery was not born of racism; but racism was the consequence of slavery.” (WILLIAMS, 2021, p. 144-145). Thus, slavery left a legacy of devaluation and denial of the rights of blacks, to the detriment of maintaining the power of whites (SOUZA, 2017).

The structural marks of slavery, still present in Brazilian society, place the black population in a position of extreme vulnerability, therefore, it is necessary to recognize this fact and adopt anti-racist postures and practices. Likewise, the State must move towards building an egalitarian nation, through the adoption of affirmative action policies and the promotion of equal opportunities; in carrying out actions aimed at promoting the access of the black population to spaces of power, guaranteeing full visibility and representativeness to this vulnerable group. However, as will be demonstrated below, the Brazilian State has acted, through actions and non-actions, in the opposite direction.

## **STATE VIOLENCE AND BLACK GENOCIDE**

Political scientist Wendy Brown claims that racist hatred and bellicosity has grown exponentially in the streets and on the internet, especially due to the rise of extreme right forces to power in liberal democracies (BROWN, 2019, p.09). It is evident that racism is reproduced on a worldwide scale, but in Brazil, due to the characteristics of the historical and social formation exposed in the previous topic, it is reproduced in a more devastating way.

In 2017, the Inter-American Court of Human Rights (IACHR) condemned the Brazilian State in the case of Cosme Rosa Genoveva and Others versus Brazil, known



as Case Nova Brasília, for flagrant failures and delay in the investigation, in addition to the lack of punishment of those responsible and in the two massacres that took place in 1994 and 1995 in the Nova Brasília community, in Complexo do Alemão, during police operations in Rio de Janeiro.

In 2020, the Network of Public Security Observatories carried out a study that found that, in the State of Rio de Janeiro, of the 1,814 killed by the police in 2019, 86% were black. The increase in deaths, which followed in 2020 in the midst of the COVID-19 pandemic, even led to the filing of an Action for Non-compliance with a Fundamental Precept (ADPF 635) proposing restrictions on carrying out police operations in communities in the State of Rio de Janeiro during the pandemic period. In May of this year, Governor Cláudio Castro disrespected the decision of the Federal Supreme Court that only allowed operations to be carried out in “absolutely exceptional circumstances”, and the police carried out an operation that killed twenty-seven people, almost all black, in the episode which became known as Chacina do Jacarezinho.

According to Borges:

The State in Brazil is what formulates, corroborates and applies a discourse and policies that blacks are individuals to nurture fear and, therefore, repression. Society, imbued with fear by this discourse and ideological background, corroborates and encourages violence, torture, prisons and genocide (BORGES, 2018, p. 41).

Racism is evident in police actions and their products, such as prison, which “is, in short, and increasingly, an instrument of control and social repression reserved for the marginalized” (FERRAJOLI, 2002, p. 33), naturalizing the mass incarceration of the black population.

Making an analysis of the short film, object of study of the present article, in the light of the Brazilian reality, it is observed in the course of the film the affront to the basic principles of the criminal procedural law as the principle of full defense, recognized by the Federal Constitution, in its article 5, LV and the principle of the presumption of innocence, of a constitutional and criminal legal nature, provided for in article 5, item LVII, of the Federal Constitution, which provides that “no one will be considered guilty until the final and unappealable conviction of a criminal conviction”. In the cinematographic work – and in the Brazilian reality – on the contrary, the black person is considered guilty, until he proves his innocence.

Racism as an essential element in the formation of the clientele of the penal system emerges as another constraint that it imposes on the apparatus, decisively shaping its way of acting. If the system was structured from and for the control of the black population, the way in which its movement takes place is also linked to the segment. The way in which our penal system affects bodies is conditioned by black corporeality, in denial of their humanity. Disciplined in the extermination of a subhuman mass, the agencies of the penal system operate from this parameter. Thus, racism set the tone and limits to the violence undertaken by the penal system, and this carries it with it in the direction of all the clientele to which it is directed. It is racism that controls the system’s potential for physical intervention: hence all its aggressiveness (FLAUZINA, 2017, p. 154).

Through the use of violence, the State victimizes racial groups already excluded from the system of power and society, placing them in a condition of marginality and vulnerability. Sueli Carneiro states that the State exercises the power to make live and let die “without needing to institutionalize

the race, but having mechanisms capable of reaching it wherever it hides, to distribute life and death, (...) always in an unbalanced way next to death” (CARNEIRO, 2005, p. 76).

The final scene of the short film *"Dois Estranhos"* shows a list of names of victims of police violence, accompanied by the phrases "Say their name" and "Remember them", highlighting the discriminatory acts of the State and reinforcing the need to make black lives and deaths visible.

## FINAL CONSIDERATIONS

The cinematographic work: *"Dois Estranhos"* can be assisted with transdisciplinary eyes that seek foundations in law to broaden the understanding of reality and used as an instrument not necessarily to solve problems, but to find and discuss them, with the potential to generate reflection on vulnerabilities, especially on the problem of racism and state violence.

After the brief historical analysis, it appears that racism is a hallmark of slavery in Brazil and the inequality and violence rates reflect this problem. It is understood that, in addition to maintaining inequalities, the State acts to exterminate black lives, through violence and social exclusion.

The final message of the short film *"Dois Estranhos"* is one of resistance, struggle and hope. No matter how long it will take, one way or another, expanding the spaces for discussion and claim will strengthen the anti-racist struggle and must lead to the realization of the rights of the black population, ensuring that they have a dignified life, enjoying the democratic rule of law like any citizen.

In the Brazilian scenario, the challenge is to strengthen the anti-racist struggle that must lead to the realization of the rights of the black population, guaranteeing access to spaces of power, full visibility and

representation for this vulnerable group, in addition to the recognition of its historical and cultural value. This does not mean that the problem of racism cannot be seen from other perspectives, the argument demonstrated in this article is not intended to be exhaustive; however, it is understood that individuals who have privileges need to recognize their position and adopt measures to move the social structure, repudiating state violence, expanding access to education and job and income opportunities for black people, to combat racism structurally rooted in the country.

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