

The Police Function Between the Social Contract and Citizenship: Philosophical Roots and Historical Trajectory in Brazil

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ABSTRACT

This article examines the history of the modern police as a state institution and its role in the construction of citizenship. It starts from the central question of how an institution born as a mechanism of social control and repression can, in democratic contexts, become an agent for the exercise of citizenship. The central thesis is that although the police originated as an authoritarian apparatus, its role can be reoriented according to conditions of legality, participation, and accountability, requiring cultural and institutional changes in the practice of police power. The framework draws from classical authors such as Hobbes (1651) and Locke (1689), who legitimized sovereign power with reference to the need for security and protection of natural rights. Beccaria (1764) expanded these moral and legal boundaries of repression. The critical line of analysis is enriched by reference to, for whom the police represent a technique of governance and a disciplinary tool [1]. Contributes insights on the formation of the police and the paradoxical relationship between democratic rhetoric and authoritarian practices in contemporary Brazil [2]. The method is qualitative, using bibliographical research and documentary methodology, with a historical-interpretive approach capable of connecting the institutional evolution of police in Europe, Portugal, and Brazil, and current challenges in public security. The results suggest that transforming the police into a citizenship agent requires changes that are not only normative but also symbolic, ethical, and structural. This study aims to stimulate discussions on public policy, the education of officers and citizens, and the democratization of security forces.

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Introduction

The police function is a central element in the structure of the modern state and in the guarantee of public order. Its historical trajectory and philosophical foundations have shaped various institutional configurations in different contexts, reflecting distinct conceptions of security, freedom, and citizenship.

Affirms that the police emerge as the sovereign's arm, necessary to ensure safety and prevent social chaos [3]. The fear of death and the desire for protection lead individuals to transfer part of their power to the State.

Understanding the historical construction of the police function—from contractualist debates on the state and the monopoly of legitimate violence to the consolidation of specific institutional models—is essential for analyzing contemporary challenges in public security and the relationship between police and citizenship.

This article investigates the formation of the police function through its contractualist philosophical foundations and European institutional models, with emphasis on the transposition and adaptation of these paradigms to the Brazilian context. Particular attention is given to the historiographical phenomenon of the "bandeirante police" and the constitution of the police in the state of São Paulo.

The central question of this research is how the contractualist foundations and European paradigms influenced the conception and practice of the police function in Brazil. The hypothesis is that the formation of the Brazilian police is closely linked to the importation of authoritarian models—especially the French and Portuguese—which contributed to consolidating a structure oriented toward social control and repression, with significant effects in the Paulista experience.

The theoretical framework includes contractualist thinkers Thomas Hobbes, John Locke, and Cesare Beccaria, whose works explain the legitimation of punitive power and the state function of security. These are complemented by the studies of Michel Foucault, particularly on the relations between power, discipline, and social control, and by the contributions of, who investigate the formation of the police in Brazil and its democratic paradoxes [2].

The methodology is qualitative, with a theoretical-documentary nature. Bibliographic research is used to examine the philosophical bases of the police function and the institutional models of France, England, and Portugal. In parallel, historical analysis is applied to understand the formation of the Brazilian police, focusing on the São Paulo Public Force and the debates surrounding the "bandeirante police." This study also incorporates reflections stemming from 34 years of professional experience in policing, linking lived practice to theoretical debates on citizenship and public security.

The objective is to demonstrate that the formation of the Brazilian police not only reflected European models but also developed its own characteristics, shaped by national political, social, and urban contexts. The study also seeks to expand the historiographical debate, going beyond the restricted focus on the Paulista experience and promoting a critical reflection on the paths toward a more democratic and citizen-oriented public security.

The article is structured as follows: first, it discusses the philosophical foundation of the police function; next, it analyzes the institutional models of France, England, and Portugal; subsequently, it examines the formation of the Brazilian police with emphasis on São Paulo; then, it explores the correlation between European models and local development; finally, it presents a synthesis of the results and their implications for the contemporary debate on police and society.

Philosophical Foundations of the Police Function: Contractualism and Power

Understanding the role of the police in the modern state requires more than a practical perspective. It demands an investigation into the philosophical foundations of contractualism, which shaped the conception of legitimate authority. For the contractualists, the primary mission of the police is to maintain order, suppress disorder, and ensure compliance with the social contract through state force.

In describing the transition from the state of nature to civil society, contractualist thinkers sought to answer a fundamental question: how can we live together in safety? The answer lies in the idea of a collective agreement in which individuals renounce part of their liberty in exchange for order, protection, and peace. In this context, the police emerge as the visible expression of an invisible power, tasked with guaranteeing compliance with the social pact.

However, this history is not composed solely of agreements and consensus. Critical perspectives, such as Michel Foucault's, reveal the silent mechanisms that connect power to everyday life—discipline, control, and surveillance transforming the police into an instrument not only of security, but of regulation of bodies, conduct and behaviors.

Thomas Hobbes and the Leviathan: Security as a Primary Goal
Thomas Hobbes developed his political theory during England's 17th-century instability, marked by civil wars and the fragmentation of royal power. In this context, he sought to justify the necessity of a strong, centralized political power capable of ensuring peace, unity and the survival of society.

According to Hobbes, the fear of violent death and the desire for self-preservation lead individuals to renounce the unrestricted liberty of the state of nature, which he described as a permanent war of all against all. In this state, where there are no laws or authorities, life is "solitary, poor, nasty, brutish and short" [3].

To overcome this chaotic scenario, Hobbes proposed the social contract: individuals transfer their natural rights to a common authority, capable of protecting life and imposing order. This authority, called the Leviathan, must concentrate all powers—legislative, executive, and coercive and its legitimacy is based on its ability to ensure security.

The state, in this conception, is an artificial creation necessary to restrain the natural impulses of individuals. The function of the police, within this model, is eminently repressive, constituting the Leviathan's arm responsible for ensuring obedience and the enforcement of laws.

The famous illustration of the Leviathan, whose figure is composed of thousands of citizens' bodies forming a giant sovereign, represents the idea that the state is the sum of individuals, yet becomes greater than all of them. For Hobbes, security is the fundamental public good and state authority exists to guarantee it, even at the cost of individual liberty.

John Locke and the Limits of Power: The Protection of Natural Rights

John Locke argued that governmental power must be limited to the purpose of protecting individuals' natural rights—life, liberty, and property. These rights are inalienable and preexist the existence of the state, being grounded in reason and natural law. Thus, the state arises through a social contract in which individuals transfer part of their liberty to the government, provided it acts as the guardian of these rights.

Unlike Hobbes, Locke does not conceive the state of nature as a scenario of constant war, but rather as a condition of freedom and equality, governed by reason.

However, the absence of a common and impartial authority renders these rights vulnerable to violation. The Lockean social contract therefore aims primarily at the preservation of property broadly understood as life, liberty, and possessions and the assurance of justice.

Political power, for Locke, is not absolute. It must be exercised with the consent of the governed and in accordance with established laws. If the government abuses its power or violates the rights it is supposed to protect, the people have the right to resist and replace it. Thus, political authority exists to serve society, not to oppress it.

In this context, the function of the police goes beyond repression: it is also the guardian of civil rights. The state's police power must be exercised to protect individuals from injustice and to ensure that laws are applied equitably and with respect for human dignity. Locke, in his *Second Treatise of Civil Government* (1689), argues that "the state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind... that being all equal and independent, no one ought to harm another" [4]. He further states that "the great and chief end... of men uniting into commonwealths, and putting themselves under government, is the preservation of their property" [4].

The separation of powers, representative government, and the possibility of resistance are central elements of Locke's political theory. These principles directly influenced modern liberal constitutionalism and continue to underpin the conception of a limited state that guarantees rights.

Cesare Beccaria and the Humanization of Criminal Law: Policing and Prevention

Cesare Beccaria, in his seminal work *On Crimes and Punishments* (1764), proposed a profound reform of the penal system, criticizing the cruelty, arbitrariness, and inefficiency of the punitive practices of his time. Influenced by Enlightenment ideals, he defended principles such as legality, proportionality of punishments, presumption of innocence, transparency of laws, and the abolition of torture and the death penalty.

Although he did not address police organization directly, his ideas have significant implications for police work. Beccaria asserted that "it is better to prevent crimes than to punish them", suggesting a preventive rather than purely repressive role for the police [5].

From Beccaria's perspective, police action must be grounded in legality and rationality, avoiding excesses and arbitrariness. The police are conceived as agents of the law, not instruments of vengeance or moral punishment. Their role is to ensure the fair and effective application of criminal law, within the boundaries defined by legal norms and respect for human rights.

Beccaria maintained that the effectiveness of punishment lies not in its severity but in its certainty and immediacy. A moderate but certain punishment is more effective than brutal and uncertain ones. This logic also applies to policing: police presence should deter crime by making legal consequences foreseeable, not by instilling fear of state violence.

Criticism of torture and the death penalty is central to his work. For Beccaria, the state has no right to take a citizen's life, as it cannot restore it. Torture, by subjecting the accused to extreme pain, undermines procedural truth and justice. In this model, the police must act with legal rigor and a commitment to human dignity.

Beccaria thus inaugurates a legal tradition that advocates a rational, utilitarian, and humanized criminal justice. The police function, within this paradigm, aligns with crime prevention, limitation of state arbitrariness, and defense of individual guarantees.

Michel Foucault and the Microphysics of Power: Surveillance, Discipline and Social Control

Michel Foucault, in works such as *Discipline and Punish* (1975) and, offers a critical analysis of punitive institutions, including the police [6]. He conceives them not merely as agents of law enforcement but as instruments of power operating through surveillance, discipline, and normalization.

Unlike the contractualists, who justify sovereign power by the necessity of security, Foucault shifts the focus to what he terms the "microphysics of power" — the everyday and diffuse mechanisms through which power is exerted over bodies and behavior. Prisons, schools, hospitals, and the police function as institutions that shape conduct and regulate social life.

Therefore, the police not only suppress crime but also participate in a broader system of population control: they define norms, monitor behaviors, and produce subjectivities. Their actions are part of a disciplinary logic aimed at creating docile and useful bodies, rather than simply containing criminality.

Foucault documents the historical shift from a visible, spectacle-based form of power (e.g., public executions) to an invisible form based on constant surveillance and self-regulation. The panopticon, originally conceived by Jeremy Bentham and later adopted by Foucault as a metaphor, symbolizes this new regime of power—an architectural dispositif that induces individuals to monitor their own conduct.

In policing, this surveillance manifests through patrolling, intelligence gathering, territorial management, and social classification. Modern policing is thus also an instrument of governmentality Foucault's term for the strategies used by the State to manage populations, risks, behaviors, and spaces.

The Foucauldian perspective is critical for understanding how police functions can exceed legal boundaries and become technologies of power, impacting freedom, citizenship, and subjectivity. In Brazil's context—characterized by inequality and a repressive tradition this analysis is particularly relevant for reflecting on the challenges of democratizing public security.

European Institutional Models of Policing: France, England and Portugal

The analysis of the French, English, and Portuguese institutional models is particularly relevant for understanding the ideological and organizational frameworks that shaped the structure of Brazilian police forces.

The French Model: Centralization and Militarization

France's model is characterized by a centralized and hierarchical system. The Gendarmerie Nationale, of military origin, serves rural and suburban areas, while the Police Nationale, a civilian institution, operates in urban centers; both are governed by strong state control. The transformation of Paris's Municipal Guard under Napoleon was a pivotal moment for modern police structure, emphasizing state visibility and the repression of public disorder. This system served as a direct model for similarly structured institutions in Brazil.

The English Model: Policing by Consent

In London, the Metropolitan Police, established by Sir Robert Peel in 1829, embraced the policing-by-consent philosophy. Its founding principles—minimal use of force, impartial enforcement, community cooperation, and the idea of "citizens in uniform"—prioritize preventive action over repression. Despite its successful implementation across the British Commonwealth, this model had limited influence in Brazil, a nation with deep-rooted authoritarian and elitist traditions.

The Portuguese Model: Intendancy, Dualism and Colonial Legacy
The Portuguese policing model originated with the General Intendancy of the Court and Kingdom Police, created in 1760 under the Marquis of Pombal. This institution centralized functions of surveillance, investigation, and repression, especially in the political realm. The work of Diogo Pina Manique strengthened this structure, serving the Crown's interests [7,8].

With the Portuguese Court's relocation to Brazil in 1808, this model was transplanted to the colony, consolidating the General Intendancy of Police of the Court and the State of Brazil. The Portuguese legacy is evident in the centralization, the dual structure (Civil and Military Police), and the institutional culture oriented toward control and order maintenance.

Today, Portugal maintains this dualism: the Public Security Police (PSP), a civil force operating in urban areas, and the National Republican Guard (GNR), a militarized force active in rural zones. This arrangement directly inspired the Brazilian model, which preserves the division between judicial police (civil) and ostensive policing (military), both marked by hierarchical and authoritarian features.

The Historical Formation of the Police in Brazil: Between External Influences and National Specificities

The institutional trajectory of the police in Brazil is a complex mosaic, shaped by European influences, local adaptations, and profound marks of the country's social, political, and economic reality. From the colonial period to the present day, the police function has oscillated between the maintenance of state order and the public's demands for security and citizenship.

Colonial Legacy and the Arrival of the Royal Court: The Seed of the Intendancy

In colonial Brazil, policing was rudimentary and decentralized, carried out by local militias, slave catchers, and regional guards. Its primary focus was the preservation of the slave order and the suppression of uprisings. The arrival of the Portuguese royal court

in Rio de Janeiro in 1808 marked an institutional turning point with the establishment of the General Intendancy of Police of the Court and State of Brazil, modeled after the Portuguese system.

This institution centralized surveillance, repression, and social control functions, reflecting the absolutist Lusitanian model. The Intendancy implemented a more organized policing apparatus, which, while nominally aimed at public order, was deeply tied to political containment and the preservation of the colonial social hierarchy.

The Empire and the National Guard: Dualism and Local Control

During the Empire, police organization took on new contours. The creation of the National Guard in 1831 aimed to decentralize order control and involve local elites in security operations. However, this force often served regional political interests, operating as militias for local leaders and oligarchs.

That same year, the Permanent Municipal Guard of São Paulo was created by Rafael Tobias de Aguiar, inspired by the French Municipal Guard. This unit, consisting of one-hundred-foot soldiers and twenty cavalymen, inaugurated a provincial policing model that combined administrative centralization with militarization, anticipating the future configuration of the Military Police.

The Republic and the Consolidation of the São Paulo Public Force: The Bandeirante Myth

With the Proclamation of the Republic in 1889, states gained greater autonomy to organize their police forces. In São Paulo, the Municipal Guard was gradually transformed into the Public Force, officially named in 1891. Over the 20th century, this body consolidated into one of the country's most structured and militarized police forces.

The institutional identity of São Paulo's police became closely associated with the bandeirante figure—symbolizing bravery, discipline, and conquest. This narrative, promoted through official memory, portrays the police as heroic but glosses over the historical violence perpetrated by bandeirantes, especially against Indigenous and Black communities.

This symbolic appropriation reveals a tension between the ideal of a citizen-oriented police and the persistence of a control-oriented model. The association of force, order, and progress legitimizes repressive practices that have historically affected marginalized populations.

European Influences and Brazilian Adaptations: Testing the Central Hypothesis

The analysis of the philosophical foundations and European institutional models provides the basis to test the central hypothesis of this study: that the formation of the Brazilian police—especially in São Paulo—is strongly linked to the transposition of authoritarian and centralized paradigms, particularly the French and Portuguese models. This resulted in a structure primarily aimed at social control and repression.

The Prevalence of the French and Portuguese Matrices

Historical investigation confirms the predominance of French and Portuguese influences in the formation of the Brazilian police. The creation of São Paulo's Permanent Municipal Guard in 1831, directly inspired by the Paris Municipal Guard, evidences the adoption of the French model, marked by centralization, military discipline, and prioritization of state order.

The Portuguese model also played a decisive role. The establishment of the General Intendancy of Police in 1808 brought to Brazil a tested metropolitan apparatus, emphasizing centralization, surveillance, and political repression. This matrix persisted in the organization of provincial police forces and later in the dual civil-military structures in Brazil.

Both models contributed to the consolidation of an authoritarian police culture, distant from the population and focused on maintaining order in favor of the state and elites. The colonial heritage and the context of slavery reinforced this logic, making repression a foundational element of police function.

The Contrast with the English Model and the Absence of a Peelian Tradition

The English model of policing by consent, based on community cooperation and minimal use of force, had minimal influence in Brazil. Its principles—popular cooperation, impartiality, prevention, and accountability were incompatible with the Brazilian reality of authoritarian tradition and profound social inequality.

The absence of a Peelian tradition is evident throughout Brazilian police history. Although there have been recent efforts to introduce community policing practices, such initiatives often face institutional resistance and structural obstacles. The dominant police culture remains firmly anchored in discipline, hierarchy, and repression.

The “Bandeirante Police” as a Synthesis of the Control Model

The experience in São Paulo epitomizes the dominance of the repressive model. The São Paulo Public Force, later the Military Police, became a pillar of Brazilian public security. Its institutional identity, constructed around the bandeirante myth, reinforces an ethos of strength, conquest, and discipline, legitimizing harsh interventions and distancing the police from the community.

This symbolic and institutional construction contributes to the maintenance of a police force with strong militarization, verticality, and a culture of confrontation. Although formally tasked with protecting citizens, everyday practices reveal tensions between security and citizenship, legality and arbitrariness, order and rights.

Practical Policing Experience: Reflections on Citizenship and Public Security

The theoretical and historical analysis of the police function gains new depth when confronted with the practical experience of those who operate on the front lines of public security. With 34 years of experience in policing, including command positions in São Paulo's capital and northern regions, valuable insights can be drawn about the real-world challenges faced by officers and citizens in urban Brazilian settings.

The Officer on the Front Line: Between Duty and Social Reality

The police routine reveals contradictions within a system that demands repressive efficiency but fails to provide adequate conditions to uphold fundamental rights. Security professionals operate in environments marked by inequality, social exclusion, and persistent conflict, requiring skills beyond the use of force: active listening, mediation, empathy, and discernment.

Commanding densely populated areas forces officers to make rapid decisions under pressure, with direct consequences for people's lives. Applying philosophical principles such as Locke's

limitation of power, Beccaria's rational punishment, or Foucault's institutional vigilance—is a challenge in a context of structural deficiencies, institutional precariousness, and legal uncertainty.

Citizenship and Public Security: A Relationship Under Construction
Understanding security as a fundamental right requires that police act as agents of protection, not merely forces of containment. Building public trust involves community policing, active listening, participation in security councils (CONSEGs) and open dialogue with local leaders.

Nevertheless, obstacles persist. Institutional culture, often resistant to change, lack of resources, work overload, and mutual distrust between police and community all hinder the consolidation of a citizen-oriented police force. Breaking this cycle of distance and violence is essential for the police to be perceived as partners in the protection of rights.

The Challenges of Historical Legacy in Police Practice

The authoritarian legacy of Brazilian policing, shaped by the adoption of European control-oriented models, is evident in daily practice. Officers must constantly balance rigor with humanity, authority with sensitivity.

Command experience reveals how this institutional culture reproduces itself in training, doctrine, and operational practices. Reforms promoting human rights, transparency, and community engagement are urgently needed but face resistance. Their implementation requires coordinated efforts from the police, the state and civil society.

Homero de Gorge Cerqueira's analysis of the paradoxes in Brazilian police training supports this conclusion. Building a citizen-centered police force demands a rupture with the repressive tradition and a commitment to new paradigms grounded in dignity, legality and social participation.

Conclusion: Rethinking the Police for a Democratic Society

The historical trajectory and philosophical foundations of the police function reveal that this institution is an essential part of the formation of the modern state, reflecting permanent tensions between security, order, power, and citizenship. This study has shown that, in the Brazilian context—especially in São Paulo—the police force has been deeply shaped by authoritarian and centralized models imported from France and Portugal. This has resulted in a police structure primarily geared toward social control and repression.

The central hypothesis of the research was confirmed: the Brazilian police have historically reproduced a model more oriented toward maintaining order than safeguarding individual rights. The symbolism of the “bandeirante police” expresses this legacy, emphasizing strength and discipline at the expense of citizenship and human rights.

The theoretical contributions of Hobbes, Locke, Beccaria, and Foucault provided solid foundations for analyzing different conceptions of power and the legitimacy of state force. The work of Homero de Gorge Cerqueira was particularly instrumental in understanding the paradoxes of police formation in Brazil and the challenges of building democratic public security.

The practical experience gained over more than three decades of policing reinforces the theoretical analysis, demonstrating that the dilemmas encountered on the streets are direct reflections of historical and institutional choices. Building a citizen-oriented police force requires more than legal or administrative reforms: it demands a profound transformation of institutional culture, officer training, and the relationship between the police and the public.

Overcoming the authoritarian legacy involves adopting models based on prevention, social participation, transparency, and accountability. Cerqueira's concept of Public Security 5.0 offers a path forward, proposing a framework grounded in prevention, justice, technology, community policing, and civic engagement.

Rethinking the police in a democratic society means recognizing the limits of inherited models, valuing successful local experiences, and committing to a new institutional paradigm. A paradigm where the police act as guarantors of rights, instruments of social justice, and agents of public trust. This is the challenge for the future of public security in Brazil.

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