Favela Justice: A Study of Dispute Resolution in a Rio Slum

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Introduction

Recent trends in the informalization of the justice system in the United States through the establishment of community courts and alternative dispute resolution have grown out of the inability of the formal court system to effectively respond to and resolve disputes (Abel, 1982). The inability of the formal court system to solve disputes has long been a criticism of the judicial system in Brazil. The formal court system requires high cost legal representation and years to process a case, either in the civil or criminal courts. For these reasons the formal court system has been particularly ineffective and inaccessible to lower-income Brazilians, who do not have the necessary time or financial resources. This has contributed to the perception of the formal judiciary as a means of private dispute resolution for Brazilian elite (Junqueira and Rodrigues, 1992). Residents of shanty-town communities, or *favelas*, in urban Brazil tend to perceive the legal system as one more state-agency out of their reach. Due to this fact, residents of *favelas* have long relied on self-help strategies in order to solve their disputes.

One form of self-help has been the residents' associations. The residents’ associations acted as an informal court for a series of residents’ disputes, especially involving property. Boaventura Santos explored how the residents' association of one *favela* co-opted legal language and procedure in order to effectively solve residents' disputes (Santos, 1977). The rise of the illegal drug trade in Brazil in the late 1980s and the concentration of drug traffickers in the *favelas* has diminished the power of the residents' associations, including their effectiveness as a forum for dispute resolution. In most *favelas*, the traffickers themselves are called upon to solve residents' disputes and to ensure public order in the areas that they control.

There has been a recent movement to reform the judicial system in Brazil that has resulted in the expansion of civil and criminal courts in order to decrease congestion in the courts and provide low-cost access to the judicial system. While not specifically designed for low-income residents of the *favelas*, these special courts, in conjunction with an ambitious legal aid project sponsored by the Human Rights Office of the Ministry of Justice have increased the availability of the legal system to residents of some *favelas*.

An analysis of the effectiveness of recent attempts to “democratize” the judicial system need to be examined in the context of other methods of dispute resolution present in the *favela*. Without an understanding of the use of the most prominent of these methods, recourse to the *quadrilha*, it is impossible to evaluate the effect that an increased availability of legal alternatives has on how residents’ of *favelas* solve their disputes.

This paper seeks to examine the way that residents in one *favela* in Rio de Janeiro solve disputes through the use of a variety of available legal and extra-legal third parties. In addition to the residents’ association and the traffickers, residents in this *favela* have
access to both the reformed special civil courts and a legal aid project. The availability of both legal (those whose authority is granted through the state) and extra-legal (whose authority is ensured through the threat and use of violence) in this favela provide the opportunity to analyze the reasons why residents seek out each of these organizations and how each solves residents' disputes, particularly the option to utilize a potentially violent third party like the drug traffickers when there are available and accessible state-sponsored alternatives.

Dispute Resolution Using a Third Party

The definition of a dispute as a public conflict is generally agreed upon in the dispute resolution literature (Able, 1973, Nader and Todd, 1978). Thus, there has been much focus on the role of third parties in dispute resolution. This paper will focus on the identifying the factors which determine a disputant's choice of a third party and how the dispute is solved by each of the different available third parties. These two issues are interrelated, as the perceptions of the dispute resolution process influence disputant choice.

The literature on dispute resolution identifies three ways in which third parties resolve disputes: mediation, arbitration and adjudication (Nader and Todd, 1978). Mediation attempts to facilitate the dialogue between the two parties, allowing them to reach an agreement, rather than imposing a decision from without. In both arbitration and adjudication, the third party can render a decision, either interfering at the request of the parties or without their consent.

Much of the literature in legal anthropology discusses the importance of the social relationship between disputants in a disputant's choice of settlement procedures. Max Gluckman sets up a structural-functional model which states that the relationship between disputants determines the procedural form of the dispute settlement, which in turn determines the outcome of the dispute. Elaborating on this model, he identified the complexity of the relationship as the primary variable. Thus disputants in a multiplex relationship will be more likely to settle the dispute in a way that is likely to preserve the relationship, such as negotiation or mediation and that individuals with simplex relationships will opt for arbitration or adjudication (Gluckman, 1973). Nader also subscribes to this idea, stating that the minmax principle (give a little, gain a little) of negotiation restores the balance to social relationships whereas the zero-sum principle (one winner) of arbitration and adjudication is damaging to social relationships (Nader, 1969).

In addition to the relationship between disputants, the social networks of the disputants are an important influence on a disputant’s choice of a third party, and particularly important in choosing between legal or extra-legal forums. Sally Engel Merry
in her study of an urban housing project, found that the use of the court system to solve disputes depended on the “nature of the relationship linking the disputants and the wider network of social ties enveloping them” (Merry, 1995: 37). Personal knowledge of or contact with a forum as well as inclusion in a social network which favors the use of legal over extra-legal third parties will influence one’s choice of dispute resolution mechanism.

Above all, disputants will seek out third parties which they believe can resolve their disputes. The ability of a third party to settle a dispute is a measure of the authority of that third party. Leopold Pospisil looks at authority exclusively in these terms, defining it as the ability of a group or individual to induce or force others in a group to conform to their decisions. Authority can be unlimited or limited, depending on the extent of power the authority possesses. This refers to the extent to which others are motivated to comply with the decisions of the authority due to a desire to gain what the authority is willing to give, either in rewards or escape from punishment. Authority, using Pospisil’s criteria, can also be formal or informal depending how well defined the rights, procedures and power of the authority have been by the members of society (Posipil, 1974). Using this definition of authority, both legal third parties, such as courts, and extra-legal third parties, such as the *quadrilha*, have authority in dispute resolution. How this authority is perceived and whether it is considered legitimate by the disputants influences the choice of legal or extra-legal third parties.

Methods

The data presented in this paper were collected during two months of observation and informal interviewing in Rocinha during June and July of 1998. During this time I accompanied cases which were initiated or currently in progress in the Juizado Especial Cível (Special Civil Court) of Barra da Tijuca, the Twenty-seventh Administration Region of Rocinha, the Balcão de Direitos (a legal assistance project run through the non-governmental organization, Viva-Rio), and cases which were resolved by the *quadrilha*, or drug trafficking gang. The cases considered for this study were limited to only those cases in which both parties were residents of Rocinha.

Information about each of the cases was gathered through direct participation of hearings and site visits, archival research and direct interviews with the parties involved in the dispute, including the disputants, the legal or municipal personnel handling the case and friends and family of the disputants.

The Setting

Rocinha is one of 500 squatter settlements in the city of Rio de Janeiro which are called *favelas*. These low-income areas are constructed mainly on the hillsides of the city and have a population which is largely composed of immigrants from the Northeast of
Brazil. Rocinha is located between two of the richest neighborhoods of the fashionable South Zone, Gávea and São Conrado. The community is built around the Estrada da Gávea, which travels over the Morro dos Dois Irmãos, connecting Gávea to São Conrado. Most of the residents are from the Northeastern states of Ceará, Piauí and Pernambuco. The original occupation of Rocinha occurred in 1938 and it is today one of the largest favelas in the city. Population estimates for Rocinha vary. Census estimates for 1995 put the population at 42,882 people in 722,480 square meters. However, unofficial estimates go as high as 225,000. The municipal office for the city estimates the population between 100,000 and 150,000.

In 1992, Rocinha was officially incorporated into the city with the designation of the area as a municipal administrative region. This designation changed its status from favela to neighborhood and provided the community with access to a range of municipal services usually not available in favelas. Regardless, the quality of urban life in Rocinha, according to the Empresa Municipal de Informática e Planejamento, S.A. (IPLAN) ranked only 175th out of 412, when compared to other favelas of Rio. Information collected by the mayor's office in 1993, showed that Rocinha had only a partial official network providing the water supply, sanitary drainage and rainwater drainage systems. Public sanitation and residential trash collection were only partially provided by COMLURB, the city trash collection and public lighting was provided by RIOLUZ, a community-based joint project with LIGHT, the city electric company. Residential electric energy was provided by LIGHT in all residences, however (IPLAN, 1993).

The area is host to a large amount of commercial activity. Residents can purchase all foodstuffs, clothing, housewares, construction materials, videos, CDs and electronics without leaving Rocinha. The area is serviced by two banks, a sewing cooperative, its own television station, a fruit and vegetable fair, small-scale supermarkets, and multiple small shops, restaurants, bakeries and bars. Residents in the lower parts of Rocinha even have access to cable television. Most of the commercial activity is located close to the Estrada de Gávea, which is the principal road in Rocinha, or in the lower areas, closer to São Conrado and the beach.

Rocinha also has access to many different federal, state, municipal and NGO agencies. The area is served by three residents' associations, a municipal health post, two post offices, the municipal regional administrative office, a small claims court, free legal representation and consultation, a women's association and multiple educational training programs.

The access that residents of Rocinha have to state agencies makes it an atypical favela, most of which are much smaller and without access to basic services. However, the presence of the state in Rocinha has not seemed to diminish the activity of drug traffickers, which base their operations in the favelas of the city. Police "invasions" into Rocinha in search of traffickers are a regular occurrence and the presence of armed traffickers patrolling their drug sale points is common. During this short period of
fieldwork, there was a major confrontation between fifty traffickers and police in the early morning of the twenty-second of June which closed down traffic on the nearby highway, resulting in property damage and one wounded police officer. There was a similar incident on May 11th as well (Jornal de Brasil, 1998).

The coexistence of a powerful presence by the drug traffickers and the access to state agencies makes Rocinha an ideal case study for the purposes of this paper, which compares legal and extra-legal means of dispute resolution and the factors which determine disputant choice of those mechanisms.

Forums for Dispute Resolution

While there are doubtless innumerable forums for dispute resolution in Rocinha, this paper focuses on the use of four distinct forums available to residents. These are: the Juizado Especial Cível (the Special Civil Court), the Regional Administration, the Balcão de Direitos (a legal aid non-profit project) and the quadrilha, or drug trafficking gang.

The Juizado Especial Cível (JEC) was created on the 26th of September of 1995 with the passage of federal law 9.009. This law expanded the scope of what were previously the small claims courts by increasing the possible monetary value of the cases, from 20 minimum salaries to 40 minimum salaries, (one minimum salary is R$130/month, approximately $113/month) and by creating a criminal division of the court handling minor offenses punishable up to one year in prison. The objective of these courts was to decrease the caseload in the regular civil and criminal courts and to speed up the judicial process for these minor cases. The process of the JEC is oriented by "the criteria of orality, simplicity, informality, procedural economy and celerity, searching, wherever possible, a conciliation or transaction" (Federal Law 9.099, translation by author). The court hears a wide range of civil and consumer matters which do not exceed the monetary limit. Anyone can open a case, legal representation is only required for cases whose value exceeds 20 minimum salaries and there is no fee to use the court. To initiate a proceeding, a resident of the neighborhoods served by a specific JEC has an initial interview with a lawyer where the details of the case are registered and the address of the plaintiff and defendant are recorded. A conciliation hearing is then scheduled and an official citation is sent out to each of the parties. At the conciliation, a lawyer who works as a volunteer at the JEC attempts to mediate an agreement between the two parties. If an agreement is reached, both parties sign a document detailing the agreement that is legally binding in the civil legal system and enforceable by the court. If no agreement is reached, then a hearing for "instruction and judgement" (instrução e julgamento) is scheduled. At the beginning of this hearing, the judge again attempts to mediate an agreement between the two parties. If no agreement is reached the judge reviews the facts of the case and hands down a sentence, which is legally binding and enforceable by the court.
The 24th JEC, which has jurisdictional authority over Rocinha, is located in Barra da Tijuca, a neighborhood about 15 minutes away by bus. In addition to Rocinha, the 24th JEC also handles cases from São Conrado, Barra da Tijuca, Jacarepaguá and Recreio. When Lei 9.099 was passed in 1995, there was a branch of the 24th JEC located in Rocinha. This branch handled the initial interviews and conciliation hearings of all the cases originating in Rocinha. From January 1997 until February 1998 there were a total of 178 cases from Rocinha initiated in the 24th JEC. 75% (133) of these were property disputes involving exclusively residents of Rocinha, 22% (40) were consumer disputes and 3% (5) were property disputes between residents of Rocinha and neighboring areas. From the data available (on 121 of the 133 property cases), 58% (70) of these cases were resolved by the JEC and 42% (51) were dismissed or are still pending. Of those cases that were resolved, 84% (59) were mediated and 12% (11) were adjudicated.

In February of 1998, the Rocinha branch of the 24th JEC was abolished and all operations of the 24th JEC consolidated in the office in Barra da Tijuca. Reasons given for the extinction of the Rocinha branch ranged from a lack of caseload to justify running the branch, to the poor performance of the civil servant in charge of the branch, to an ultimatum given by the drug traffickers to change the personnel working in the branch. No data was available on the exact number of cases from Rocinha from February 1998 to July 1998, but both the lawyers who run the conciliation hearing and the title judge of the JEC commented on the low number of cases from Rocinha, given the size of the population. While the personnel at the 24th JEC were adamant about their willingness to attend to cases from Rocinha, personnel in the Administrative Region gave the impression that the 24th JEC was not handling cases from Rocinha. Regardless, I found evidence of several active cases in the JEC, both initiated before the transfer in February and afterwards. This provides evidence that while it may not be used extensively, the JEC is considered an available forum for the resolution of property and commercial disputes for the residents of Rocinha.

The Administrative Region (AR) office is located on the upper part of Rocinha and is run by the former president of the largest residents' association in Rocinha. As a division of the mayor's office, it coordinates the solicitation of public agencies such as COMLURB (the city trash collection), LIGHT (the city electric company) and GEORIO (a public works agency). It has an office devoted to addressing community concerns and it is to the two women that run this division that residents bring complaints about construction and disturbances with their neighbors. When a resident brings in a complaint, the information is recorded as well as the names and addresses of the parties involved. A day and time is scheduled for a site visit. During the visit, the personnel of the AR attempt to mediate an agreement between the two parties. This is done orally and neither party is required to sign a document detailing the agreement. Occasionally, a written document is drawn up later, at the request of the parties. If an agreement cannot be reached, the personnel of the AR seeks out the relevant technical authority in order to solve the
dispute. If the dispute is over the safety of a structure being constructed, for example, an architect which works in conjunction with the AR is called in to evaluate the structure. The determination of the technician is used by the AR to make a decision regarding the dispute. The AR has the authority to call upon city agencies to enforce a decision regarding urban issues in Rocinha, such as the condemnation or demolition of a residence. During my two months of fieldwork, there were no shortage of disputes over construction and use of common space brought to the attention of the personnel in the "atendimento comunitário" division of the AR. The involvement of the AR in these disputes is a recent development at the request of the president of the residents' association of Rocinha. Previously, the residents' association, which handles the registration of all land titles in Rocinha had a division for evaluating construction complaints. With the extinction of this division, the residents' association did not have the personnel available to handle these disputes and referred residents to the AR. The site visits, mediation and solicitation of technicians are done on top of the regular duties of the personnel at the AR and can be delayed for months.

The Balcão de Direitos (BD) is a joint-project of the Ministry of Justice and Viva-Rio, a local NGO financed by the Ford Foundation. It is a legal aid office which operates in seven favelas offering legal advice and representation in diverse issues in family, civil and criminal law. In addition to preparing the initial paperwork of a case and securing a public defender when necessary, the personnel at the BD, who are paid law school interns and lawyers, hold mediation hearing for cases of alimony and child support, amicable separation and divorce and property cases, either dealing with the transfer and sale of property or conflicts over construction or the use of common space. In Rocinha, the BD is particularly active, with the largest caseload of any of the seven offices. There is one titled lawyer, who coordinates the office, and seven law student interns. It is located in the bottom part of Rocinha on the third floor of a building owned and operated by the Methodist church. In addition to the legal personnel at the BD, there is also a "community agent" who is a resident of Rocinha, who serves as the liaison between the BD and the community. He is responsible for guiding the legal personnel around Rocinha on site visits and advising them in their dealings with residents. Any agreement which is reached in the mediation hearings at the BD can be sent to a judge for authorization and is legally binding under legislation which validates all extra-legal documents which are signed by two separate witnesses. The BD itself cannot enforce any agreements between parties, these must be sent to either the JEC or the regular civil court system to request a order of execution in the case of non-compliance.

Illegal activities in the favelas, most notably drug trafficking, have increased throughout the 1980s and 1990s, concurrently with the rise in urban violent crime. When examining the levels of violence in the favelas, many Brazilian sociologists point immediately to the activity of drug gangs or quadrilhas (Zaluar, 1994, Leeds, 1996, Pinheiro, 1983). Originally prison-based organized crime groups, quadrilhas assumed
control over the *favela* drug trade in the late 1970s, focusing on the sale and distribution of cocaine (Leeds, 1996). The lucrative nature of the drug trade has fostered an atmosphere of competition both within and between the *quadrilhas* for control over the *bocas de fumo*, or drug distribution points. The *quadrilhas* have resorted to armed violence to maintain order within their organizations and control of the *bocas de fumo*. They ensure the cooperation of *favela* residents primarily through armed violence and intimidation against possible informants and by providing internal security against rival gangs. However, *quadrilhas* have also been known to provide financial assistance and serve as arbitrators in residents' disputes. Such activity implies that residents' cooperation with the *quadrilha* is not based solely on intimidation and the security the *quadrilha* provides from outside threats of violence.

In the cases related to me by my informants, the *quadrilha* intervened in disputes when solicited by one of the parties in the dispute. Once the complaint is made, usually in the *boca de fumo*, the drug sale point and base of operations for the *quadrilha*, the *chefe*, or leader of the *quadrilha* calls upon both parties in the dispute for a "conversation". The *chefe* hears both sides of the dispute and makes a decision, punctuated with the implicit understanding that non-compliance will result in physical harm or expulsion from the *favela*. This is either done in the locale of the dispute or at the *boca de fumo*. In addition to the physical threat for non-compliance, I was informed that turning to the *quadrilha* in order to resolve a dispute resulted in an implicit obligation on the part of the winning party to aid the *quadrilha* at some future date, regardless of whether that party sought out the *quadrilha* to resolve the dispute. There seems to be no clear jurisdictional boundaries for *quadrilha* involvement, but in Rocinha, the cases that were reported to me dealt with cases of aggravated assault and sanctions leveled against drug users with outstanding debts. I was informed from multiple sources that the *quadrilha* referred property cases to the JEC (when the branch was located in the community) or to the BD. However, one source maintained that the *quadrilha* did not like residents to seek out the AR to handle disputes.

The Use of Dispute Resolution Forums in Rocinha: An Analysis of Individual Cases

During the two months of field work, I followed a total of thirty-three cases that were initiated or on-going in one of the four forums outlined above. The following is a detailed description of eight of these cases. These were the cases I was able to follow most closely and which best serve to illustrate those factors which determine which forum residents choose for resolving their disputes and how disputes are handled by each of these forums. Of the eight cases, five are property disputes, two are cases of aggravated assault and one is a case of domestic violence. Two involve exclusive recourse to the

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1 The cases described in this section were reconstructed from fieldnotes collected during June and July of 1998.
traffickers, one to the AR, and one to the BD. The other four cases make use of a combination of the four possible forums.

The Case of the Jointly-Owned Laje

In this case, the owner of the building, F., wanted to build another floor but did not have the money to do so. He got together with his brother-in-law, R., who put up the money for the second floor in exchange for the right to build a third floor for his family and common use of the laje. The original owner of the building is now using the laje to build a fourth floor and R. claims that that was not part of the original agreement. R. said that he brought the problem to the AR after he tried talking to his brother-in-law when he first starting building the fourth floor, and was unsuccessful in getting him to stop. R. said that he knows C., who handles these cases in the AR, knew that these things were handled in the AR and wanted to solve this in an official way. He said he wanted to go to the AR in order to have whatever solution documented so that the agreement would be respected. After the initial complaint, C. made a site visit to the building in an attempt to talk to both parties and mediate an agreement between the two. During this visit she only spoke to R. and his wife who said that they were offended after having invested all this money. Two days later, C. returned to talk to both parties and brought with her the municipal architect to help mediate an agreement. The two men, C. and the municipal architect went up to the laje and the architect asked the two men how things were going to be resolved. Both agreed that the laje would serve as a common space for the two families and that neither party would build an additional floor. It was agreed that this arrangement would be drawn up in the AR and signed by both parties. After the architect left the site, F. spoke with C. and told her that he was not happy with this arrangement. He wanted the option to build on the laje left open so that he could build a fourth floor for his daughter in the future. He said that he felt that the insistence of R. to legalize the agreement was a lack of trust and he did not like it. He told C. that he had no intention of signing the agreement and would let his wife sign, since she is R.’s wife’s sister. Commenting about the case, C. said that people did not like to put things in writing because it locks them in. She said that F. did not want to sign the agreement because it finalizes what can be done with the fourth floor. She said that people prefer to let things lie in order to see what will happen later. One month later, the agreement between the two was still not signed by F. He had ceased construction of the fourth floor, but would not sign the agreement. There has been no further attempt by the AR to get F. to sign and R. has not come back to the AR.

This case illustrates the importance of three factors in disputant choice of a forum for resolution: social networks, the belief that the forum can solve the dispute and norms which favor official methods over extra-legal ones. The plaintiff in this case, R., knew one

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2 “laje” in English translates as “a reinforced concrete floor”. In Rocinha, a laje serves as the roof of a structure which is used by residents to hang clothes, entertain and as an open space for children to play, but is also ready to use as the foundation for an additional level to the structure.
of the employees at the AR and had taken a previous case to the JEC. His success with the legal system probably influenced his choice of legal over extra-legal forums. His relationship with an employee at the AR probably influenced his decision to use the AR to solve the dispute. R. said that he went to the AR in order "to have whatever solution documented so that the agreement would be respected".

Regardless of R.’s acceptance of the authority of the AR, it was unable to get both parties to sign an agreement. Both parties emphasized the importance and finality of a written agreement, R. in his insistence on documentation and F. in his reluctance to sign any such agreement. Although the AR was unsuccessful in getting a written agreement between the two parties, F. stopped building. This seemed satisfactory to the plaintiff, since he did not pursue the case further in the AR or with any of the other forums. However, this accommodation probably only postponed the dispute, given the defendant's continued desire to eventually build a fourth floor on the structure.

The Case of the Attached Wall
A. wanted to build a second and third floor onto his structure that would extend twenty centimeters beyond the columns which supported the existing structure. With his neighbor's permission, he built an eave that was connected to his neighbors house in order to extend the foundation for the second and third floors. He put in columns that ran against his neighbor's wall and intended to build the walls of the new floors attached to his neighbor's wall. The neighbor, R., was against this and would not allow him to continue building. A. came to the AR to complain, claiming that R. had originally agreed to the wall being attached and now changed his mind. The information and the plaintiff's address was recorded and a site visit was scheduled. The first two attempts of the AR to conduct a site visit were unsuccessful because C. could not find the man's house using the directions she had been giving. In the meantime, A. opened a complaint in the BD. A conciliation hearing was scheduled to which A. and his wife, as well as R. and his wife appeared. A. alleged during the hearing, conducted in front of a young female lawyer, that he and the defendant had an agreement which allowed him to attach the wall. The defendant and his wife denied this, saying that only the eave could be attached to their house. The lawyer proposed two solutions to the parties: 1) to keep things as they were or; 2) to split the cost of reconstructing the wall. The lawyer asked how much A. would need to rebuild the wall and he said it would cost about R$400 (approximately $340). The lawyer advised the two parties to think about the options she had given them and that she would go on a site visit to the house the following Monday. Seven days later, C. made a site visit to the house, having found the address. During this time the lawyer from the BD had not made a site visit because neither party returned to the BD to show her where the house was during a time in which she could be escorted in the community (lawyers, interns and volunteers in the BD that do not live in Rocinha are escorted around Rocinha by the community agent of the BD for safety reasons). During the site visit by the AR, A. and R.’s wife were present. At the beginning of the discussion, A. insisted on being compensated for what he had already built. R.’s wife insisted that she didn't want
The wall attached to her wall, and that it was invading her house. R.’s wife did not want to compensate A., saying that she should not have to pay anything because A. had invaded their property and she said that she had talked to head of the AR and he had said that she did not have to pay anything. C. said that it was pointless to talk about invasion because no one really owns the land, only what they build on it. C. said that although she did not see anything wrong with attaching the wall, since R. did not want that there was nothing she could do. A. insisted that R. went back on his word. He said that he had even suggested leaving the columns and moving the wall, so that it would not be attached but R. had rejected that idea. C. mentioned that that seemed like a reasonable solution. Then R.’s wife said it sounded like a good idea but she would not agree to it without her husband. C. finally offered them three possible solutions: 1) get rid of the eave and build where the original columns are; 2) keep the eave, but move the columns and the wall away from the neighbor’s wall and build on top of the original columns or; 3) leave both the columns and the eave where they are and build the wall away from the neighbor’s wall.

When asked, A. said that he took his case to the BD because it was taking too long in the AR and he wanted it solved as quickly as possible so that he could continue building.

Both parties seemed to agree that the third solution was the best one and A. said he would come by the AR with R. to finalize the agreement that afternoon. That afternoon only A. came to the AR and told C. that he and R. had agreed on the third solution that she had proposed. The next day the lawyer from the BD made a site visit to the house. Only A. was at the house. The lawyer did not see a problem with having the wall attached and she thought that moving the wall would leave a space of twenty centimeters which would not provide either house with ventilation and be an area that would be difficult to clean. She suggested that A. return to the AR and see if they could convince R. to leave the wall attached. A. came back to the AR the following day with the young man for whom he was building the house and told C. what the lawyer had suggested. C. said that without the other party, she could not draw up an agreement and that she could not force an agreement. She also said that she was concerned that the eave would have to support the weight of three floors and there was nothing supporting the eave. She said that for only twenty centimeters it did not seem worth it. C. asked what the young man who was going to live in the house thought. He said that he had left all of these decisions up to A. C. said he is the one who has to live there so he should have an opinion. The young man said that he did not want problems with the neighbors. C. suggested that they tear down the eave and build the house away from the neighbor’s wall. That way they could avoid future problems. A. said that he wanted an agreement in the AR and in the BD in order to prove whatever was agreed. He left and did not return to the AR or the BD in order to draw up a formal agreement.

**The Case of the Retaining Wall**

This case was begun in January in the JEC, while it was still in Rocinha. The plaintiff, C.M. complained that he wanted to amplify his house and his neighbor would not let him. The conciliation hearing was set for the 7th of April and the defendant, D.M., did not show. Since it was not certain whether the defendant had been duly cited, the conciliation
hearing was rescheduled for the 13th of May. At this hearing, no agreement was reached and an instruction and judgment hearing was scheduled for the 17th of June. At this hearing the judge asked the defendant if there was anyone in Rocinha who could look at the property in order to determine whether the plaintiff could legally amplify his house. The defendant assured the judge that there was and the judge handed the case over to the residents' association, giving them a period of fifteen days in order to make the determination. The defendant in the case came to the AR to inform them of the judge's determination. On June 23rd, R.S. went to conduct the site visit and spoke to the plaintiff. He alleged that he wanted to build a retaining wall in order to protect his house. He said that the judge at the JEC said that he could. He showed R.S. the judge's conclusion which stated that the parties did not arrive at an agreement and that because of lack of documentation the case was referred to the residents' association. Then he presented a document from the residents' association that proved that he had bought the house and an agreement signed by the director of construction of the residents' association from 1994 authorizing him to build a retaining wall to protect his house. R.S. pointed out to C.M. that the agreement did not specify where he was to build the wall. This is the point contested by the neighbor. C.M. insisted that the agreement said he could build the wall where he wants. He wants to build the wall beginning in the alleyway below his house which provides access to D.M.'s house. R.S. told C.M. that she needed to request a specialist from GEORIO in order to decide where the wall should be. R.S. then went to talk to the neighbor, D.M. When asked why she had gone to the AR, she said that she had lived here a long time and knew about the JEC and had a case successfully settled there. She said she knew how to defend her rights and that C.M. could not build the wall where he wants. D.M. said that she got a petition signed by eighteen other neighbors who also do not want him to build. R.S. informed the woman that she was going to request that GEORIO decide whether C.M. could build the wall. The following day C.M. came the AR trying to convince C. that he had legal authorization to build. He would not listen when C. said that he did not. He left and came back later that day with documentation but C. said that the documentation did not give him any right to do anything but build the wall and not authorization for anything else in any other property. He insisted that the director of construction had determined that he could build. After a while C. refused to discuss it further, saying that she would send an architect from GEORIO to decide about the wall. The next day the defendant in the case came to the AR to see what the status of the case was. She said that after R.S. had left her house two days earlier, C.M. and the former director of construction from the residents' association came to see her. She insisted that C.M. show her the documentation that proves that he owns the area where he wants to amplify his house. She said that she knows he does not have the right to build. She said that he keeps on insisting that he can build and all of the neighbors are against him. She said that she thinks he opened the case specifically against her because she is a widow and there is no man in her house. She said he made a mistake because she knows how to defend her rights. When asked if she thought that C.M. would respect the judge's decision, she said that he had to respect it. She said that she is an old resident of Rocinha and knows the head of the AR and he will have to respect the judge's decision. C. said
that the AR could impede the construction of the wall by pointing out that a wall would block access to the passageway, would make it difficult for the electric company to maintain the electrical light post, but since C.M. was insisting that he could build a retaining wall, a determination from GEORIO, who decides when such a wall is necessary, would have more authority. When asked whether she thought that C.M. would respect a decision by the JEC, C. said that she did not think so because his need to build was stronger than the denial he might receive from GEORIO. She said that if GEORIO decides that he cannot build the wall and he goes ahead and builds, the AR has the authority to call on the Civil Defense Corps and have the wall torn down. As of the end of my time in the field, the technician from GEORIO had still not examined the case.

In these two cases, the parties have taken the dispute to more than one of the available forums. In the first case, the urgency of the plaintiff to have the dispute resolved motivated his seeking out the BD, when he felt that the AR was not acting fast enough. In the second case, the JEC referred the case back to the residents' association, but the defendant then sought out the technical advice of the AR.

The three forums in these cases, the AR, the BD and the JEC employ some of the same techniques to resolve disputes. Each of the three forums relies on mediation as the principle method of solving disputes. However, the arguments used in the mediation process vary by institution. In the first case, the lawyer at the BD suggested that the plaintiff be compensated for the materials lost in removing the wall. The value given by the plaintiff was taken at face value by the lawyer mediating the case. In later discussions with C., who handled the case for the AR, she emphasized that the price given by the plaintiff was overvalued.

...So, for example, this made an impression on me at the time, the [woman] spoke to me, she is not going to have to repay the R$400 that was the price of the eave there. Automatically you have to argue this because with R$400 he could lay the whole floor. It is very high. It is good to know what he is asking in order to do this. So...he sees that I live here and understand a little about the prices here, what is in Rocinha...(interview with C., 7/30/98)

The mediation carried out by the AR turned the discussion away from the issue of compensation and focused on the technical aspects of the construction. In both cases, the final decision was left up to the parties. Both the BD and the AR proposed solutions, allowing the parties to agree or disagree without attempting to impose one solution over the other. Ultimately the problem was solved by the plaintiff, who, with the urging of the AR, abandoned his earlier position in the interests of preserving good relations with the neighbors. Additional justification for this course of action was provided by the AR, that emphasized the precariousness of the construction.

Reliance on technical evaluations is a common tactic used by the AR in mediation
due to its recourse to a number of city agencies in order to determine the safety and necessity of construction in Rocinha. This is the tactic employed by the AR in the case of the retaining wall. In this case, both parties are adept at the way in which these disputes are handled and of the importance of outside documentation or evaluation in order to determine what can be built and where. C.M., whose original case in the JEC was regarding the amplification of his house, fell back on the authority of the authorization he received from the residents’ association to build a retaining wall when dealing with the AR. D.M. and the people handling this case in the AR suspected that he would use the construction of the wall to amplify his house and in order to counter this, questioned the need for a retaining wall.

...the guy comes here and says that he needs to build a retaining wall, but in [the JEC] he wants to amplify his house. So I see that he is contradicting himself and it is by this contradiction that you act...So you talk to him and he shows you this (the document from the residents’ association) and requests authorization, so I go to GEORIO...He is stuck on what? The document authorizing the retaining wall...[s]o I have to ground myself in the issue that he has, which is the retaining wall, so I have to get someone who builds retaining walls and can give this explanation for him, which is a technical issue for him...

(interview with C. 7/30/98)

In addition, the AR claimed that a retaining wall was a large project and needed a city architect orienting the project in order that it is done right and does not adversely affect the other houses in the area.

Unlike the previous case, C.M. seemed willing to create conflict with his neighbors over this issue, as demonstrated by the little effect a signed petition had on deterring him from seeking authorization to build the wall. While defendant in this case seemed convinced that he would respect the judge's decision, the woman handling the case in the AR was skeptical, stating that "...he is a resident who is not going to be convinced because his need is larger than the 'no' that he receives...." (interview with C., 7/30/98).

*The Case of G.’s Building and the Five Families*

G. built a five story building. He sold the other floors and kept the fifth (the *laje*) for himself. Later he sold his floor to five families in Rocinha. They paid him to build efficiency apartments on the fifth floor. He took their money and began the construction, but before it had ended he left Rocinha and no one knows where he is. After this happened, four of the five families went to the residents' association to complain. They tried to begin legal action against G. but there was no way to track him down because his signature was illegible, he had an old untraceable CPF number (Brazilian social security number) and the families did not have a sale that was registered in the residents’ association, only simple receipts signed by G. When the families tried to move into the
building the other residents would not let them, claiming that the building could not support the building of another floor. The families went to the resident's association to complain. The president of the residents' association came to the AR in order to get a city architect to evaluate the building. The architect said that the building could only support the addition of a light structure. The president of the residents' association gave the original occupants three proposals: 1) to invest money with these five families in order to strengthen the building, 2) to purchase the laje from the five families, or 3) to allow the five families to finish the building that was started under the condition that they only erect light structures that would not jeopardize the safety of the building. The original occupants of the building refused all three proposals. One of the women who had bought an efficiency said that she had paid R$4000 (approximately $3500) and was promised the efficiency by last December. When it was not ready in December, G. lent her another house to live in until the construction was finished. Around April she found out that G. had left and that he did not own the house he had lent her. She said that she went to the president of the residents' association and got permission to finish the construction. She said that she then purchased R$1000 (approximately $850) worth of materials, but the original occupants refused to let her build. She said she went to talk to the chefe because the building material was in the street and she wanted to start building. She said that he sent someone to talk to the occupants to let her build. The next week the regional administrator called a general meeting with the original occupants of the building, the five families and the president of the residents' association in order to discuss the issue. During the meeting one of the original occupants made reference to the fact that one of the families had gone to the chefe. The regional administrator emphasized that the issue was going to be resolved by the AR and the residents' association and asked the woman to suspend building until the regional administrator could get another technician to look at the building. When asked, another employee of the AR who is following the case, said that she did not believe that this woman had gone to the chefe, because if she had, and he had taken a position, the problem would be solved. The president of the residents' association emphasized that the original occupants only voiced their concern about the safety of the building after G. had left, and that while he was living in the building they were so afraid of him that they would not even go up to his floor to clean their water tanks. The head of the AR ended the meeting by saying he would send a technician out the following Tuesday. In order to resolve the case, the residents' association and the AR are waiting for this additional report, in order to make a decision about whether the building can support an additional floor.

The Case of Y. and Her Brothers
This case began when Y.'s brother tried to assume ownership of a property to which Y. had legal title. She was told to go to the student-run legal aid office at a near-by university. This legal aid office sent her to the BD. Since she had inherited the building from her mother, her brother also had a legal right to part of the property under Brazilian inheritance law. The BD drew up an agreement which the brothers did not keep and they are trying to assume ownership of her part of the property. The BD referred the case to
the JEC and a conciliation hearing was scheduled for the 21st of July. The defendants in
the case did not appear at the hearing because the justice official could not find their
address in order to serve the summons. The hearing was rescheduled for August and the
justice official requested that Y. accompany him in order to indicate her brothers' address.
Y. agreed to this and stated that she did not understand why her brothers wanted to take
her laje. She said that they have a lot and that she felt that this was "an abuse". She said
that the neighbors are afraid of the older brother and that if she needs witness for her case
she will not be able to get any. She said that her brother is an retired military policeman
and solves things with violence. She said that the traffickers had come to her and said that
if she needed, they would solve the problem, but she said that she did not want that, she
did not want a fight and wanted to resolve this in the justice system. She said that she
could even lose the case, but only if the judge decided against her. She said that if the
judge decided that she did not have a right to the laje, she would not argue with the judge,
but would continue the case until then. At the end of my fieldwork, the second
conciliation hearing had not occurred and the case was pending.

These two cases involve the sale or transfer of property in Rocinha. In the case of
the five families, the immediate recourse was to the residents' association, who is in charge
of registering all transfer and sale of property in Rocinha. The allegation of unsafe
building conditions brought in the AR, since it has the authority to call on municipal
technicians to evaluate building safety. In Rocinha the AR and the residents' association
often work together given that the regional administrator is the former president of the
residents' association and as such is often associated with that organization. In addition,
the residents’ association is seen as the mediator between the community and the city,
which is represented by the AR. Therefore, the residents’ association will often refer
cases to the AR or solicit its involvement, particularly when there is a need to employ the
services of city agencies.

In the case of “Y. and Her Brothers”, Y. was referred to a number of forums, each
said to be better suited to handling her dispute. Her case ended up in the JEC because
only the judge has the legal authority to ensure that the original agreement drawn up in the
BD is upheld. In both cases, the plaintiffs make reference to possible interference on the
part of the quadrilha. In the case of the five families, one of the plaintiffs went to the
quadrilha as a second recourse after going to a legal forum. The move to the quadrilha
was to protect the investment that she had made in materials. For the data gathered on
this case, it is unclear if the quadrilha did actually speak to the other residents of the
building. In conversations with the employees of the AR, the BD, a lawyer who worked
in the JEC when it was located in Rocinha and other residents of Rocinha, I was informed
that the quadrilha do not usually get involved in property disputes, and even refer people
who come to them to the JEC or the BD. Based on this information and the fact that the
problem persisted after the woman had said she had talked to them, one could suppose
that the quadrilha did not get involved. What is interesting here is that the woman turned
to the traffickers, rather than return to either the residents' association or go to another
legal forum, presumably because she felt they would be more effective in resolving the dispute (in this allowing her to build) than the residents’ association had been.

In Y.’s case, the plaintiff mentioned that the quadrilha offered to resolve her problem. This offer of intervention by the quadrilha contradicts what had been told to me about the quadrilha not handling property disputes. This plaintiff was an older woman and long time resident of Rocinha and perhaps her age and gender were a factor in the quadrilha's offer of help. Some residents had told me that the quadrilha defends women and children from abuse. Unlike the plaintiff in the other case, this woman turned down the intervention of the quadrilha, stating that she wanted to solve this in an official way. As will become clearer in the following three cases, the preference for official forums involves more than just the desire to "do things the right way" since help from the quadrilha comes at a price.

*The Case of T. and her Brother-in-Law*

In this case a woman, T., was assaulted by her bother-in-law. She ended up in the hospital after being beaten up by him and attacked by his dog. T. said that she and her brother-in-law live on the same property. She was at her ice cream stand when she heard him yelling. She said that she thought it was with one of the people renting a room from her and she went to see what it was all about. Her brother-in-law and the rest of his family said that they were yelling at her. The brother-in-law came up to her house and started to beat her up. Down below the brother-in-law's son began beating up T.’s son. She said that the brother-in-law had threatened her before and she thinks that he is jealous because she has been successful in her business and is building a big house. After she left the hospital she went to the police station to file a complaint. The detective who wrote up the report suggested that she go to the BD in order to take the brother-in-law to court. The lawyers at the BD were reluctant to file criminal charges against the brother-in-law because he is a retired military policeman. They made informal inquiries to the traffickers in order to find out whether this man was under the protection of the traffickers. The coordinator at the BD said that the former leader and most famous drug trafficker of Rocinha, who is in prison, was even consulted. The lawyers at the BD were informed that this man was not protected by the traffickers and so they went ahead and prepared the case for the criminal division of the Juizado Especial. A hearing was scheduled for July 1st. T. and her son appeared at the hearing, but the brother-in-law and his son (who is also implicated in the case) did not. Another hearing was to be scheduled for some time in August or September. The case was listed as a "family fight" and the brother-in-law alleged in the police report that T.’s son had attacked him with a hammer, breaking his hand. T. claims that he broke his hand beating her. When asked why none of the neighbors came to her aid, T. said that everyone is afraid of him because he is a retired military policeman and very mean. When asked why the traffickers did not sanction this case, the coordinator of the BD and T. said that they did not want trouble from the military police so they were not going to do anything to him. T. said that he cannot get away with this and that "justice must prevail". At the end of the duration of the fieldwork, the case was waiting for the
judge to schedule another hearing.

The Case of S. and the Drug Addict
S. had come to Rocinha from Ceará (a state in the Northeast) and started out with nothing but had worked hard and bought a bar that was doing well and had purchase a property and was now doing very well. One of his neighbors started to harass him, saying, "you just arrived here yesterday, and now you have all this". This guy drinks and was drunk when he harassed S. S. lost his cool and punched the guy. This guy went and complained to the quadrilha. The chefe sent his "soldiers" down to get S. and bring him to the boca to "talk". The chefe asked S. what had happened. S. explained that the guy was drunk and that he was harassing him, so he hit him. The chefe said to both parties that he did not want fighting in Rocinha. He told each man not to bother each other anymore. He told the drug addict not to harass S. anymore. He and the other members of the quadrilha knew that this man was a drug addict and told him not harass people anymore. After this incident S. said that he is fed up and that he is going to leave Rocinha and go back to Ceará, because he has no liberty in Rocinha. Within one week S. and his wife had permanently moved out of Rocinha and returned to Ceará. When I asked friends of S. why the quadrilha decided the case in his favor, they said that they take into account whether a person has a job and is hard-working or is involved in drugs or drinks, giving more credibility to someone who works. One friend said that when the traffickers resolve a dispute in favor of someone they are considering what that person can do for them and someone who works and owns property can hide arms or offer them refuge, whereas a drug addict is only good for buying drugs. This friend said that S. knew that he would be called on to help the traffickers at some point in the future and that in order to escape this obligation, he left the community.

The Case of S.C.'s Aunt
S.C., who has lived in Rocinha for thirty-two years, has an aunt who beats up her husband, S.C.'s mother's brother. She hits him on the street and locks him in the house. The traffickers went to S.C.'s mother and said that they like her brother a lot and don't like to see him beat up by his wife in the street. They told S.C.'s mother that her sister-in-law should be careful because if not, they were going to beat her up so that she would know what it was like. S.C.'s mother said that she was not going to warn her sister-in-law, because she would just think that she was trying to protect her brother and not take it seriously. S.C. also said that she was not going to warn her aunt because she would not believe it. At a later date S.C. told me that her aunt found out about the quadrilha's threat and had stopped her behavior. S.C. did not know who had told her aunt about the threat.

These three cases involve physical violence between the parties. In general, these are the cases which are usually handled by the quadrilha, in addition to cases of theft or robbery in the community. The first case demonstrates how the occupation of the aggressor protected him from quadrilha sanctions, but not from the legal system. Typically, a beating of this seriousness of a woman would be severely sanctioned by the
In punishing acts of violence against women and children, the *quadrilha* justify their actions by invoking community norms which condemn this type of behavior. However, the aggressor in this case is a retired military policeman. It is the military police which carry out street patrols and the occasional invasions into Rocinha in attempts to wipe out the *quadrilha*. Subjecting this individual to the punishment usually doled out by the *quadrilha* (severe beating or death) might have spurred retaliation on the part of the military police, which the *quadrilha* wanted to avoid. However, since many military police are corrupt and receive money from the *quadrilha* or engage in drug trafficking themselves, the brother-in-law's status as a military policeman also introduced the possibility that he was under the protection of the *quadrilha*. This was a concern of the BD when deciding where to initiate criminal proceedings. As an outside agency, the BD is very aware that their ability to operate in Rocinha depends on the good relations they have in the community, which includes the *quadrilha*. The coordinator of the BD feared retaliation from the *quadrilha* if the BD helped to prosecute someone under their protection. For this reason, extensive inquiries were made prior to deciding to go ahead with the case.

The final two cases involve the *quadrilha* as a forum of resolution. These cases demonstrate two main factors which determine the use of the *quadrilha*: the costs or benefits of *quadrilha* involvement and the parties' real or perceived reputation or *conceito*, with the *quadrilha*. In the case of S., the *quadrilha* was called in by the drug addict to punish S. for having assaulted him. Since the addict had regular contact with the *quadrilha* he felt he had *conceito* with them. The case, in fact, was not decided in his favor, i.e. S. was not punished. S., who did not have any voluntary contact with the *quadrilha*, perceived that he would be obligated to them as a result of their intervening in his favor. For S., who, like many residents of Rocinha, follows a strategy of avoidance of the *quadrilha*, the cost of this future obligation was too high. He opted to leave Rocinha permanently and did so the week following the incident. In the final case, the *quadrilha* related a threat to S.C.'s aunt because they "like [S.C.'s uncle] a lot". The *conceito* that this individual has with the *quadrilha* affords him a degree of protection, without the need to actively solicit the intervention of the traffickers.

In all of the cases detailed above, the choice of a dispute resolution forum rested primarily on three things: the social networks of the parties, the belief in the effectiveness of the chosen forum, and the costs and benefits related to the use of the forum. The knowledge of the existence of a particular forum, especially those more recently established in the community depends on the social networks of one or both of the parties. Those disputants who used the AR, the BD or the JEC were usually referred to these forums by family or friends. Those with *conceito* turned to the *quadrilha*. In addition, those who had successfully used legal forums in the past, as in the case of R. and D.M. and C.M., were confident in the ability of these forums to effectively resolve the dispute. The time involved in turning to the legal forums led one disputant in the G. case to seek out the *quadrilha* as a second recourse. The need for a quick solution also was a factor in
A.'s use of both the AR and the BD for the same dispute. The cost of resolution by the *quadrilha* was most felt in the case of S., where the party left the community in order to avoid any future obligation to the traffickers.

Distinctions can also be made in the way that each of the forums resolved (or attempted to resolve) the cases presented above. Mediation is the preferred method of resolution by all forums excepting the *quadrilha*. While the JEC has a process of adjudication built into its procedures, mediation is the preferred method of resolution expressed both by the legal statute which established the JEC and by the lawyers that work there. The BD and AR rely exclusively on mediation. In the cases presented above which were handled by these forums, the disputants maintained considerable autonomy over the resolution process. They were offered suggestions by the AR or BD, but the final terms of the agreement were determined by the disputants. By contrast, in the cases resolved by the *quadrilha*, the terms of the agreement were determined unilaterally by the *chefe*. The use of adjudication instead of mediation would suggest that the *quadrilha* has a more unlimited authority to solve disputes than either the AR or the BD, that rely on mediation.

The differing authorities of each of these forums can be seen in the criteria each uses to resolve the dispute and the methods of each to ensure compliance. In the case of the AR, there is a heavily reliance on technical arguments in order to resolve disputes. This lies in part with the types of disputes resolved in the AR (predominantly property cases) and the access that the AR has to various city agencies whose authority is accepted within Rocinha. The BD and JEC also rely on the services of city technicians provided by the AR, but the criteria for dispute resolution falls within the legal code. In the event of non-compliance, the BD and the JEC rely on measures allowed in the judicial process to enforce decisions. The ability of the legal forums to enforce these decisions is suspect, however. While the JEC may have the legal authority to call in the police and physically impede a resident from building, this is hardly plausible given that the *quadrilha* impedes the access that the police have to the community. The AR seems to have more autonomy however, since it can successfully call upon city agencies to perform demolitions of property where warranted. Regardless of the impracticability of enforcing sanctions in cases of non-compliance, disputants expressed confidence in the ability of the legal forums to solve the dispute, as demonstrated in the case of “Y. And Her Brothers” and the case of the retaining wall, where the disputants felt that the decision would be accepted and complied with by the losing party.

An examination of the criteria used in *quadrilha*-resolved disputes shows more ambiguous results. On one hand residents believe that the *quadrilha* protect residents by punishing those who commit predatory crimes in Rocinha. They also intervene in defense of women and children, severely and exemplarily sanctioning rape and child molestation. However, whether an individual has *conceito* with the *quadrilha* seems to be a major factor in deciding who receives this “protection”. The status of the disputants in the
community also seems to be a factor in how a dispute is resolved by the quadrilha. A disputant with a good reputation in Rocinha (someone who works, takes care of his or her family and is honest) has higher status and is more likely to receive a favorable solution to his or her dispute. However, it is unclear whether the motivation for such a decision comes from an acceptance by the quadrilha of the status conferred on that person in Rocinha, or the realization that such an individual is a more valuable ally. In my discussions with informants I found evidence of both perspectives.

Implications for Further Research

The cases examined here offer some possible insight into how residents in the favela solve disputes. The use of available legal or extra-legal forums depends on more on the social networks of the disputants rather than on the relationship between the disputants, the perceived effectiveness of the forum, rather than the actual ability of the third party to enforce decisions and the costs and benefits associated with the chosen forum.

However, in order to better understand how legal and extra-legal forums for dispute resolution coexist and respond to the needs of residents, more information is needed on the ways that the quadrilha solve disputes. It is unclear whether the existence of legal alternatives have limited their participation in property disputes, as was related by some informants. Only more knowledge of quadrilha-resolved disputes can adequately answer this question. If the quadrilha handle primarily criminal disputes, then more information is needed about the frequency of cases like “T. and Her Brother-in-law”, that are handled in a legal forum.

This paper only outlines the use of four possible forums. There are doubtless other forums for dispute resolution not in the scope of this study which need to be examined before any conclusions about factors which determine disputants can be made. Also missing is any analysis of cases which are solved exclusively through self-help, that is without the use of a third party. With the present data there is no way of knowing whether the characteristics of disputants or disputes differ among those who seek out a third party and those who do not.
Further research that looks at all methods of dispute resolution should improve our understanding of how third parties are employed in solving disputes and what determines the use of extra-legal violent forums over the use of legal forums. Using Rocinha as a case study is particularly useful since there has been an effort to increase the accessibility of legal forums of dispute resolution in this community. Understanding how people use the legal system, especially those for whom such access has been traditionally denied is particularly relevant for Brazil. In Brazil, judicial democratization has lagged far behind its political democratization, recent reforms notwithstanding. If the use of the quadrilha to resolve disputes in the favela is a function of the lack of viable legal alternatives, then understanding how both forums coexist and are employed in one community is crucial to improving the accessibility to the rule of law and diminishing the control that the quadrilha hold in these communities.
Bibliography


