
REACTION TO MARTA MACHADO

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In a very insightful piece, Marta Machado calls attention to important failures in UPPs, one of the case studies in our book. She uses these failures to point to the fact that there were a series of informal rules and norms governing police behaviour in the State of Rio de Janeiro that were not effectively changed with the creation of UPPs. Moreover, she points to the complex interaction between these informal rules and norms and other institutions, such as the public prosecutor's office and the judiciary, which are known for being important pieces in the puzzle of impunity for police abuse in Brazil. Our response acknowledges that UPPs may not have succeeded, but at the same time we emphasize that this particular failure is not a reason to assume that formal institutional reforms cannot promote significant change outside critical junctures.

Machado's piece is illuminating in showing the many different dimensions in which one could argue that the UPP, as a bypass, failed. By engaging in this analysis, Machado ventures into a terrain that we have intentionally avoided in our book: fixing goals, assessing results and measuring outcomes. Our aspiration in the book was purely descriptive: to establish a concept that allows one to identify when there is a bypass or not. Machado's piece does what we are hoping that scholars will do now that the concept of an institutional bypass is articulated: investigate the factors that may contribute to their success or failure (however defined). This normative exercise will be essential if we seek to use the concept of institutional bypasses to inform public policies in the future. In such cases, policymakers and their critics can debate what were or should have been the goals of a particular reform and whether they have been achieved. As Machado's piece nicely illustrates, the causal connections drawn from this kind of normative exercise are likely to provide some clues into variables that policymakers may want to consider in designing a bypass that is likely to succeed. We fully agree with Machado that informal rules and norms, as well as inter-institutional dependencies (e.g. how police abuse cases are handled by the judiciary) will be relevant to this story.

Considering how pressing the issues raised by Machado are, one may be puzzled that we have intentionally and consciously refrained from including them in our purely descriptive analysis. Therefore, it may be helpful to explain our choice. Why have we steered away from any discussion related to assessing if a bypass is desirable or not, or successful or not? Assessing policies is rarely a unidimensional task. A police reform may try to curtail police violence, reduce crime, increase the legitimacy of the force or contribute to fiscal responsibility (i.e. provide the same services while cutting spending). A reform may try to achieve all

of these, or it may focus on just one goal. This alone raises a series of important questions about whether the chosen goal was the “right” one. And it is entirely possible that reasonable people may disagree over which goal may be preferable in particular circumstances. In light of these difficulties (which are intrinsic to policy design), in our book, we have decided not to impose an externally defined goal or objective on bypasses as this would demand us to explain why we have chosen one goal and not another. Therefore, we have not asked what UPPs should be trying to achieve. Instead, our book focuses on the institutional structure used in the attempt to promote a reform and whether such structure was a bypass or not.

Machado raises an important question about what to do if the dysfunctionality that the bypass is trying to fix is caused by informal rules and norms. She rightly calls attention to the fact that formal institutions may fall short in handling these informal rules. The picture gets even more complex when these informal rules and norms are reinforced by other institutions which are not affected by the bypass. Machado seems frustrated that the concept of institutional bypass does not do more to theorize about this complex relationship between formal and informal norms. She is not alone – changing informal rules and norms is perhaps one of the most daunting challenges that those trying to improve institutions face (Alesina and Giuliano 2015).

While we do not dispute that changing formal institutions may not have an impact (or may not have the expected impact) on informal rules and norms, we resist the suggestion to theorize about it. The interaction between them is complex, and it is hard to foresee whether formal changes will lead to informal ones. In this context, experimentation may be of more value than any attempt at theorizing. In some cases, informal rules and norms prevail because (not in spite of) formal ones. Indeed, regarding police abuse in Latin America, we have argued elsewhere that civilian control of the police force seems to be correlated with lower levels of police abuse (Prado, Trebilcock, and Hartford 2012). Thus, part of the problem that Machado points to in her paper could potentially be caused by informal rules that find fertile terrain to germinate and take roots because of the lack of a robust (formal) system of accountability. But it is hard to know in advance what kind of changes will modify these patterns. Comparative analyses of police reforms elsewhere in Latin America, similar to the study we have undertaken, might suggest other institutional modifications. While these comparative analyses may be a good place to start, there is no guarantee that these reforms will work. Incremental reforms in formal institutions may not lead to significant changes due to path dependency, i.e. formal and informal rules and norms generate self-reinforcing mechanisms that become more entrenched over time (Prado and Trebilcock 2009). Thus, the failures of the UPPs, as described by Machado, seem to be a clear example of path dependence, serving as a cautionary tale for policymakers. But if anything, these failures seem to reinforce the importance of

experimenting as one of the ways to determine what kind of changes may be effective.

In summary, there is room for cautious optimism regarding the potential for formal institutions to change informal ones. While UPPs may not provide many reasons for hope, as Machado rightly points out, other examples in the book, such as Poupatempo, may suggest otherwise.

REFERENCES

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