

# The Management of Violence on the São Paulo Periphery: the repertoire of normative apparatus in the “PCC era

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## Introduction

I listened to my footsteps on the tarmac for some seconds, and then struck up conversation. I had been in Sapopemba for four days, accompanying educators from the Centre for the Defense of Children and Adolescents (Centro de Defesa dos Direitos da Criança e do Adolescente - CEDECA) on home visits, and to adolescent internment or treatment units that conduct socio-educational measures.<sup>2</sup> That day, we had walked around “Madalena,” a neighborhood occupied in the 1970’s by workers. It now consists almost entirely of self-built homes, most of them in a regular and formal legal situation. Commerce in the neighborhood is predominantly local, but sufficiently diversified to satisfy any daily need. At ten in the morning, in early January, the sun appeared for the first time as we passed by the small shops.

Sidnei, the “social educator” who I accompanied, took his coat off and held it in one of his hands. I also took off my fleece jacket, but tied it round my waist. The asphalt was wet, the fog rising, houses with fences lined both sides of the street. Sapopemba is one of the 96 districts of São Paulo. It is in

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2 Among other activities, CEDECA accompanies adolescents from the neighborhood in the compliance of “socio-educational measures in open prisons” (Assisted Liberty and Community Service, according to the Child and Adolescent Statute). These measures apply to individuals who have been sent there by the judiciary, after having been charged with having committed an offense.

the city's East zone and has 300 thousand inhabitants. It borders the industrial region known as "ABC paulista" around the city. On the street where we were, it wasn't possible to see the largest complex of the district's favelas, which have been extremely over-crowded since the 1970's, and are located in a valley to our West. At the main entrance to the favelas, I noticed two boys chatting on the corner, on foot, also carrying their coats in their left hands.

They used new clothes, designer sneakers and had a characteristic way of walking; distinct corporal techniques. Upon seeing us, they immediately approached and broke out in smiles. With their right hands extended they greeted us in style and gave us the news: a friend had been arrested, they had missed the AF (Assisted Liberty) hearing ...*and that sheet music there, Sidnei, is it for the cavaquinho?* The samba is on Saturday, in Vila Prudente. My partner tells me that they are his pupils at the music workshop at CEDECA, part of the compliance process with the socio-educational measures. They had been ordered to comply two months earlier, the police had caught them stealing copper cables from a building-site. They were kids "from the community,"<sup>4</sup> "they got into it only for the adventure," they aren't part of the "crime,"<sup>5</sup> Sidnei told me as we continued walking. In front of another small shop that sold clothes, he joked at a distance with the teenager behind the counter; later he told me that her father had sexually "abused" her. The case is "in the courts" – CEDECA's lawyers made the formal accusation of abuse after having listened to the girl and her mother.

Thus, in a space of two blocks, we had come across two cases of intervention by the government legal apparatus in the arbitration of crimes and infractions. In both cases, judicial measures were enacted that generated or would generate judicial decisions that would try to implement reparation actions (socio-educational measures, in the case of the youths; the possible imprisonment of the father, in the case of the abused teenager). In both cases, the lawyers working for CEDECA, under agreement with the Public Defender's Office, were the privileged mediators of access to the court.

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3 Translator's note: A *cavaquinho* is a very small string instrument, similar to a ukulele, used to play samba.

4 For a discussion on the notion of "community" in the urban periphery, see Rizek 2006.

5 The expressions "crime" and "world of crime" are used here in the sense of their daily use on the periphery of São Paulo, and for that reason, I always place them between quotation marks. For a more detailed reflection on this notion, see Feltran (2008b).

I have come across numerous cases like these, during the five years in which I have carried out field research in Sapopemba. But I have *also* come across several other judicial apparatus that are much used in that territory. Based on the ethnography that I conduct in the region, I argue in this article that, if access to the official judiciary is present in the peripheral zones of the cities, widening the benefit of rights that are recognizably scarcely universal in Brazil, it is not the only normative apparatus of reference for the inhabitants of those territories. There are at least three *other* apparatus for the normatization (and normalization) of conduct that *coexist* with the official law and its forms of regulation, and which do not always compete with it.<sup>6</sup>

The first and most notable of these apparatus has as its principle the “law of crime” that establishes a conduct called “due process,” which is regulated in adversarial discussion and deliberation meetings known as “debates”. At times, these “debates” take the form of very sophisticated tribunals that in a sense mimic the state judicial system<sup>7</sup>. The “debates” increased substantially in the 2000s and, in the “PCC era,” and have occupied the legitimate space of the apparatus of violence previously regulated by practices of “popular justice” such as lynching and payments to assassins, much-studied in São Paulo in the 1980s and 1990s. With the legitimization of the “debates” in the 2000s, these traditional practices of popular justice have tended to disappear in the city’s peripheral zones.<sup>8</sup> The second apparatus normatizes the *de facto* action of low-ranking police officers, who interact directly with the official law as well as with the members of the “crime world” and their *modus operandi*<sup>9</sup>. The central characteristic of this second apparatus is its selectivity:

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6 I treat these normative dynamics here as “apparatus” since they institute not only principles or codes to be followed in daily life (“laws”) but also delineate their legitimate operators, as well as the practical regimes of debate, deliberation and execution of measures for punishment or control defined by these operators.

7 I describe and analyse different “debates,” including one operated simultaneously in seven prisons in São Paulo State, in conference via mobile phones, in Feltran 2010a. See also Marques 2007, 2010; Biondi 2010; Hirata 2009 and Feltran 2008a.

8 In Feltran 2010b I study the passage from the regulation of the “world of crime” by means of assassins, typical of the 1980s in São Paulo, to the present scenario of arbitration via “debates.”

9 The expression “crime world” or simply, “crime,” is used here in its daily use and for this reason I always place it in quotation marks. This notion designates, simultaneously: i) an identification environment in which individuals and groups are inscribed; ii) a collective actor that emanates codes of behavior and sociabilities, and which interacts in daily life with social spheres considered legitimate, like the family, school, church and work. I have characterised this social space and traced the frontiers of this “world” in the social dynamics of São Paulo in Feltran 2008b.

the distinction between a “worker” and a “hustler” is always sought so that, from then on, a *continuum* of practices that extends from the strictly legal to the frankly illegal can be used. The third and last of these normative apparatus, conceived of as an *alternative* or *complement* to state justice, is based on the “law of God,” mainly Christian, which is operated in a distinct way by the different churches and religious groups that proliferate in the urban world.<sup>10</sup> I will not deal with this last apparatus in this text.

I argue in this article that violence – understood as the use of force or a threat of force– and, especially, lethal violence, is generated in the strict mode on the periphery of São Paulo. Breaking with the argument that identifies a banalization of violence in favelas and the periphery, and contrasting with the modes of violence management in other Brazilian peripheral zones, I present three ethnographic situations of the “PCC era” (Metropolitan First Command - Primeiro Comando da Capital – the leading organized criminal group in the city of São Paulo) that suggest how violence has been managed in these territories. The selective operation of this repertoire of *normative apparatus* that *co-exist* on the periphery of the São Paulo metropolis can be verified in the empirical description<sup>11</sup> I further argue that at the base of the operation of this repertoire is a dispute for the legitimacy of principles, codes and subjects capable of regulating the apparatus of violence on the city’s periphery.

In the first three parts of the text, I present three situations obtained from field research of interaction between agents of the State, lawyers and some of my research interlocutors, in this case youths inscribed in the “world of crime.” In addition to presenting how the research was carried out, the description of the situations allows verifying how the logic of the three normative apparatus in question interact, to justify the different courses of action taken by the subjects in each situation studied. At the conclusion of the article, I present the particularities of each normative apparatus identified as well as the interactions amongst them that permit their coexistence on the peripheries of São Paulo. The contemporary management of violence in these territories cannot be understood without questioning these interactions.

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10 Almeida’s monograph, 2009, specifically deals with the modes of Pentecostal growth in São Paulo.

11 Machado da Silva 1999 already identified the legitimate co-existence of two orderings, with other contents, in Rio de Janeiro *favelas*. His argument is retrieved and debated in Misse 2006.

## 1. Ricardo

I continued walking with Sidnei. On the corner of Primavera de Caiena Street, we stopped again, this time to take in the view of the city: looking out over almost forty kilometers of the entire east zone and downtown, to the bottom of the ridge of Paulista Avenue, with the silhouette of Jaraguá Peak in the background. We passed another 100 meters on foot and arrived at an iron gate. We didn't need to ring the bell: upon seeing us a small boy ran to call his mother to answer the door. We entered, excusing ourselves, sidestepped the dog and asked for news of her oldest son, Ricardo. Janete asked us to be seated; she had known Sidnei for a long time. They started talking about Ricardo, 17. After she had spoken just a few words I knew that here was yet another complex story. My expression must have revealed exhaustion— *this work of yours, doesn't it get to your "psychological mind"?* – Janete asked me. “A lot,” I thought to myself; but I smiled and said no, and continued with some small talk: about the image of the saint on the wall, a clock with the Palmeiras football team emblem, her husband's job (which he would lose the following month), the small crocheted doily on top of the TV.

Ricardo was home, Sidnei commemorated – it wasn't common to find him there. He came out of the bathroom at the back of the house five minutes later, wrapped in a towel, and crossed the living room where we were. He was very thin, with white skin and prominent bones. He quickly nodded his greetings to us, heading towards the bedroom. From the sofa where I was seated, I could see him in his room, naked, and drying himself; in the foreground, his teenage sister's legs, attempting with difficulty, to place an orthopaedic brace on her thighs. In the dim yellow light, I felt like I was invading the intimacy of their home. The young girl then came out of the room on crutches, and was helped by her mother to the kitchen. That type of disability is domestic; you don't see it in public.

It was, however, the image of Ricardo drying himself that had struck me; his silhouette revived the image of the dead youth that I saw in a favela a year ago. He had also been a “crackhead,” I thought to myself.<sup>12</sup> “Rock and coke,” crack and cocaine. A “crackhead's” face typically takes on the angles of the skull, with sunken eyes, dull hair, a prominent jawbone. Ricardo's skin was

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<sup>12</sup> The term “noia” in Portuguese (for “crackhead”) is the local denomination for chemical dependents, especially of crack, in an advanced stage.

pale, with no color except for the dark green tattoo of his mother's name on his forearm, and small lilac wounds spread over his legs and back. He asked his mother for the blue shorts. *The blue ones? They're in the wash!*

He returned to the back of the house whistling under his breath, an old towel wrapped around him almost twice. He came back with a comb, and went back to the bedroom, he left the door open again – the visitors were men. He put on black shorts. Finally, he came and sat down by us, shirtless, wearing flip-flops. He greeted us again, now extending his hand and looking us in the eye, more slowly. Sidnei introduced me like this: “Gabriel is one of us, Ricardo, he can be trusted.” It was only then that I saw the first living details of the youth: a gold chain around his neck, a carefully combed spiked fringe, a toothbrush in his hand. And he started talking, he wanted to chat. His image improved, more and more life appeared. Only then did he appear to me as a person in his particularities, breaking my stereotyped image of a “crackhead,” of that generic body of the addict. The fluency with which he expressed himself surprised me, in reality: he was very articulated in “bro” lexicon, and offered a loose narrative of very moving stories, with fluency and humor. In ten minutes we – Sidnei, Ricardo's mother and I – were laughing with him.

## Two “framings”

The first story that Ricardo told us was as follows: in late December he was “joyriding” around the neighborhood, in a stolen car. He stopped to give a lift to Joana (who I already knew and who would visit later) – at this moment he said that he had never dated Joana, that he had only “taken” her; Sidnei protested the use of the verb: “she isn't an object!” Ricardo then used a different expression: “I screwed her!” They laughed. The car was stopped by the police and they were both arrested, their parents summoned to the police station. They were then allowed to go, after being beaten up, and charged with armed assault. (Ricardo said that the car was on loan, a friend had stolen it, but he couldn't prove that). Joana, who had actually just taken a ride to buy diapers for her son, felt mistreated. The event was Ricardo's second arrest, so he was already a “re-offender.” On hearing about the socio-educational measures, I realized that Ricardo was only 17; he was still a “minor.” As he spoke, though, I realized that I had heard stories like that hundreds of times. Nevertheless, they still interest me. Hearing them is very different than understanding them. Sidnei gave advice like someone who has authority over the lad, advice

that was endorsed by Ricardo's mother – *Have you seen how much weight you've lost? – Jeez, I'm only skin and bones ...and listen, I've really cut down. I'm cleaner these days...*

The second story referred to the eve of our visit, January 6, 2009. Ricardo had been caught by the police again, the third time in two weeks – *I'm in the police firing line*. He said that he was “flying a kite” on the corner, at 11 in the morning, when a patrol car stopped, a “big black” plainclothes officer cornered him and announced “this is the police.”<sup>13</sup> Pulling him by the shirt, he asked him a load of questions – age, criminal record, ID, friends etc. Then he handcuffed him and took him “down there,” into the favela, where “the boys” were (other teenagers who work at the “*boca*” – the selling point for drugs – where Ricardo worked). At first, Ricardo tried to resist: “take your hands off me!” but then: “don't rip the silk shirt” he was wearing, and finally agreeing to go with them. All the boys were “corralled” together, but only the two who already “had a police record” were put in the patrol car.

Ricardo was placed in the back of a Blazer jeep with a friend, a partner of him, who was “not a minor.” They were photographed with one of the officers' mobile phones, and Ricardo didn't like it: he retorted that the “neighbors” had also photographed the patrol car. That if they (the police officers) didn't free him and his partner, *we won't free yours!* That if something happened to them, their “allies” would go after the police officers “till the end.” *Using psychology, eh?*<sup>14</sup> According to him, the police officers continued to patrol the area with both of them still in the vehicle for almost an hour. After that, they entered one of the police stations in the region and in the yard, before unloading them, they asked: “so, you're not going to get an *idea*?”<sup>15</sup> The *deal* proposed to start with was for R\$50 thousand to release both of them. “They're going crazy!” Ricardo told me. They negotiated, made some calls to other partners, and the price came down a lot.

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13 The police officer announced, at that moment, the name of his division. I omit throughout the text the identification of police officers, divisions and police stations, in the same way that I use fictitious names and change the street and favela names, thereby preserving the anonymity of the interlocutors.

14 On the expression “using a bit of psychology” [in Portuguese “*dar um psicológico*”] and its meanings in context, see the analysis by Marques 2007, 2010.

15 “Idea” is practically synonymous to conversation, “exchange an idea” is to converse, “give an idea” is to give advice or speak with someone, opening up the possibility of dialogue. In this context, according to Ricardo, the police officer asked about the possibility of a “conversation” about the situation of the two boys, opening up the possibility of a financial agreement. See Zaluar (1985).

All done – the “brothers” would pay the police the amount agreed to for the release. By the rules, Ricardo and his partner would now be indebted to the “brothers.” Ricardo didn’t want to say how much was paid ). The details of the deal, like others of this kind, were not to go beyond the those immediately involved. As is common in these cases, neither of the two boys was presented officially to the Civil Police. The “minor” was released on his own, “conditionally,” to fetch the money. Keeping the partner under arrest while sending the “minor” to get the money served as a type of guarantee for the deal. Ricardo returned to hand over the money at the agreed time, four in the afternoon. He left what he could get and a telephone number of the contact who would pay a second installment the following day. The boys were released. Ricardo went back to the “boca” “pissed off,” (lit. on the poison) as he told me; he went straight to meet some friends to smoke a joint, to “get rid of his neurosis.” At ten that night he was already back home. “Yesterday, it was just that, just.”

### The “boy from crime”

After these two stories, Ricardo signaled that it was time to end the conversation. The house had a low ceiling, and he was on the lower part of a bunk bed, and the previous eruption of laughter was substituted by advice – Sidnei assumed his role as “social educator,” trying to set commitments with Ricardo to “get him out of crime.” From then on, we got the feeling that we should not over stay our welcome. After all, it was already eleven in the morning, the other kids would already be at the corner, they expected Ricardo to be with them.

The boy skillfully started to bring the conversation to a close, and got dressed to leave. He said that he would try to enroll in school, he had only just missed the deadline. We all knew he wouldn’t. He got up, placing one arm, then the other into his short-sleeved, white denim, baggy shirt, with a pattern and an enormous hole from a cigarette burn on the back. “Silk shirt.” He decided to leave it – it was the same one from the day before, *it might attract the police again*. So he chose the striped T-shirt, white and grey, really baggy. Then, red sweatpants, on top of the shorts, white cotton socks and “shox” sneakers. Finally, another chain around his neck, silver, the “bombeta” (baseball cap) and sunglasses. Dressed, the “crackhead” body was well camouflaged. To be a “crackhead” means to lose the respect of your peers, Ricardo knows that to keep his *status* among his friends, he needed to stop using



crack. He spoke about this a few times. Dressed, Ricardo's body was covered in the typical aesthetic of kids from the São Paulo periphery in the 2000s; "hustler style", as another adolescent told me. I realized, while I watched him get dressed, that those "crackheads" that we recognize as such, in the streets, are in a worse stage than Ricardo. Wearing baggy, colored clothing, he hid his condition well. The tattoo on his forearm took on aesthetic coherence – it completed the "style." When Ricardo was ready to join his mates, we left the house together. The dog kept quiet this time. At the gate, his mother shouted "be good!" and Ricardo smiled, adjusted his baseball cap, and turned right. Sidnei and I turned left; we were going to visit another family.

From then on, I carried my folded jacket in my hand, my arm outstretched, like the men around there did. I met Ricardo two days later, in another favela in the neighborhood. He acted as he didn't recognize me; he didn't want to talk to me in front of his friends – other teenagers.... He was arrested again the following week, this time with no deal, so he remained in detention. Luckily, he still wasn't 18. I visited the internment unit where he was held, and I kept up with news about him during the following months. In July 2009, he had had health problems, a STD, he claimed to have converted to Pentecostalism – other interns called him "the pastor" – and he tried to cure himself of his crack addiction.

## **2. Inscription into the "world of crime"**

March, 2009. After an intense day in two government internment units, I went back to Sapopemba and, tired but wanting to talk, I decided to visit Ivete's family.<sup>16</sup> I looked for her at the health center where she works, in the favela, but she wasn't there. I went to her house, but only found her grandson. Maybe she was at her oldest daughter Ivonete's house. I walked there: "Ivonete!" "Who is it?" "Gabriel!" "Gabriel who?" [already opening the curtain and smiling]. "Are you busy?" "No, come in!" "You're not with a client?" [She works as a hairdresser at home]. "Look here's at my client!" And there was her mother, Ivete, in the hairdresser's chair. I felt good to have found them - I feel close to their family, affection has grown between us over the

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16 I have been studying Ivete's (52) family for the past few years (Feltran 2007b, 2008a, 2009). Ivete's children, and their ages, in 2010, are: Ivonete (34); Marcela (33); Anísio (30+); Raul (30); Neto (27); Alex and Lázaro (twins, 26) and Fernando (21).

years. We exchanged news. Her children were all “in the same life” – Ivete had five children “in crime” and three “workers.” The news, on this visit, was that Marcela, her second daughter, addicted to crack for ten years, had been arrested again. “It was God’s will, Gabriel...she was going to finish herself off.”<sup>17</sup> I asked if Ivonete was going to go to church that day and she said yes, and invited me to go with her. I accepted and, while we were arranging the details – I would go home and take a shower and come back straight away – Ivete’s grandson came running into the house, breathless: “grandma, grandma, Anísio’s been arrested! The boys told me! The police are at your door!”. Anísio was Ivete’s oldest son, he was 30.

### Outlaw Family

Ivete got up quickly, pulled out her hair clips in one swift move, everyone got their *ID* and left the house. “Let’s go,” she said to me. I asked if it wouldn’t be a problem to join them. “No problem,” she responded. Ivonete went ahead with her son. Ivete and I just tagging along, and running to catch up to us Humberto, Ivonete’s fiancé, appeared. Seeing that she was worried, I tried to console her as we walked along. But I noticed that she was resigned: she already knew what to do, nine years had passed since the first arrest of one of her children, and they had been numerous since then. Gradually, Ivete quickened her step, went to the front of the group, and remembered that she had forgotten her mobile phone – I said that I had mine, if need be.

We walked quicker and quicker; Ivete asked again if we all had our *IDs* on us. Humberto didn’t have his, so he was told not to get too close to the police – dealers relatives are always suspect.<sup>18</sup> We turned the corner to get to Ivete’s house, and saw that there was no longer a patrol car parked at the gate. I was tense. Were the police inside the house? The movement on the street was totally different from half an hour ago when I had passed by looking for Ivete. The neighbors had left their houses to look at the police, wait for Ivete, gauge her reaction, report how her kids had interacted with the police officers.

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17 The news wasn’t easy for me to digest; perhaps of all the stories I accompany in Sapopemba, that of Marcela is the one that has most created a personal impression on me. I discuss her trajectory in Feltran 2007.

18 I have briefly reflected on the transference of “crime” to the body of the criminal, and then to those who are similar to him/her, in Feltran 2008. Misse deals with this phenomenon – conceived as *criminal subjectification* – em Misse 2010.

Ivonete said out loud:

“Huh, busybodies!” and we walked past them all quickly.<sup>19</sup>

We finally entered Ivete’s house, the atmosphere was very tense. The police were no longer there, but the children were there discussing what had happened. Fernando (the youngest son), Vilma (his girlfriend) and Alex (another of Ivete’s sons) were talking loudly among themselves: “They took Orelha and the car’s!”; “he’s at the police station”; “the lawyer’ll already be there” and they tried to discover *who* were the police officers who had arrested Anísio. Knowing who they were, it would be possible to know what game to play with them. Alex to Fernando: “you let them enter the house without a warrant!” Fernando: “And what else could I do?” Alex: “and you also said that you know Orelha!” ... Fernando kept quiet. I felt absolutely out of place.

They all knew me, however, and they nodded a greeting to me, consenting to my presence. They carried on talking among themselves, nervous, as if they felt like the family had been invaded. Ivete asked them to explain calmly what had happened, to tell her everything, calmly. The boys started to repeat what they had been saying before, in a more organized way. Ivete made a point of including me in the discussion, leading me by the hand to the circle in which she spoke with her kids. Fernando explained the best: there were three civil police officers in a silver Gol, in plainclothes. They had come looking for Anísio and Orelha, a neighbour and partner of his in the assaults. Then, a Military Police patrol car arrived, a Palio Weekend (pronounced “Palio Kend”), as a back-up to the operation. The plainclothes officers approached Anísio’s car, in front of Ivete’s house in the favela. They had come specifically to arrest them. Because they were known “hustlers,” Anísio and Orelha immediately had an arrest warrant read to them, and they were handcuffed. Then the police entered the house to “get proof.” Until that moment, everything seemed to be in order, the the police were enforcing a court order.

### The police and Ivete’s children: modes of interaction

Inside the house, the police told Fernando what the accusation was: “that car has been reported stolen, it has changed number plates, and has

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19 Zalar & Ribeiro 2009 reflect and theorise specifically about the paradox of the close neighbourly relations in neighborhoods with high rates of violence, in Rio de Janeiro.

taken part in other robberies – bank ‘exits.’<sup>20</sup> We’re not saying your brother is responsible for the robberies, yet, but we’re checking”. Respect for the rules of law on the part of the police. The investigator then asked dozens of questions to Fernando, the youngest brother, and certainly, the most “loose-mouthed” among them. The young man, at 20, had already been held in a youth detention center once and shot twice, and is “traumatized by the police,” as he told me later. The police asked about each of the brothers, and one of them recognized them: they were the same officers who a week earlier had been to Alex’s bar to confiscate his slot-machines. It was evident that the whole family was under investigation. Fernando answered all the questions, as usual, saying that he didn’t know anything, trying not to get involved. But he didn’t know what to say what Anísio’s work was, he said he didn’t know. When the family listened to this part of his report, all of them joined in unison : “he installs sound systems!!”, the ready and agreed answer...

The boy told us that the police then stopped asking questions. He stayed put while his brother and partner were taken to the patrol car. Outside the house, the police officer said to him: “Son of a bitch of a cock, you trying to play the guilty one, for that bum? Trying it on, are you? This place only makes crooks! If I want, I’ll talk to the Command for them to solve your problem!” Fernando: “I hadn’t done anything and they said they were going to call the PCC, the party, ‘cos they know those guys.”<sup>21</sup>

The meanings of this interaction would have passed me by unnoticed, if I hadn’t been alerted by Ivete and Alex about what was going on. The police’s explicit reference to the PCC demonstrates that, at that time, the officers weren’t only relying on the normative legal apparatus, but gave references to another one. The police who patrol the favelas are aware of the codes of the “world of crime” and may select the apparatus of justice in accordance with the situation: official laws for formal “workers”, the codes of “crime” for the “bandits”. When they became aware that they were dealing with a “family of bandits”, they chose the second mode to reprimand Alex. In addition, the

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20 “Exit” is the name given to assaults on individuals who make substantial withdrawals in bank agencies or ATMs. One of the thieves stays inside the bank, observing, and passes the information to another who, outside, follows the client and approaches him/her when the opportunity strikes.

21 The youth used these three categories: first “Command” [Comando], which would have been how the police said it, then “PCC” and then “Party” [Partido]. The police wouldn’t have used the also common expression of “brothers,” which refers to the baptised members of the PCC that carry out the ordering of justice in the favelas of the region.

references the police made to the members of the PCC in the region showed that they knew them personally—thus making it known implicitly that they had financial connections to the “Party” in the area and that they could therefore be interested in cash as a solution to Alex’s problem.

After entering the house with a warrant, the police had confirmed that they were dealing with a “family of hustlers”; so they then abandoned official normativity and began acting according to other codes, known by those involved in “crime.” The reference to the PCC made this change explicit and demonstrated that the police – recognized by one of Ivete’s sons – knew that, although the drug selling in that specific territory wasn’t entirely regulated by the PCC, it had the power to regulate the actions of the individuals inscribed in the local illicit activities. Fernando did not act like a “thief” who deserved respect and, because of that, he was reprimanded *by the police, but in a way that the PCC would value*. Moreover, by saying out loud and publicly in the street, that “I know the guys from the Command,” the police officer subliminally affirmed that he was inscribed in the circuit of relations between the police and the faction and that therefore, opened up the possibility of another “agreement” between them. This was all too encoded for me, but entirely understandable to Ivete’s children.

The meanings of the interaction in question became even more evident when the police asked about

Anísio and Orelha’s lawyer. Both of them paid for, together with another two kids “in crime,” the monthly costs of a private lawyer who defends them in the criminal cases in which they are the accused, and gives legal assistance in emergency situations like this. Anísio himself informed the police that this lawyer would already know about their arrest – Alex would let him know immediately – and that he was waiting for them at the police station. The police officers felt, then, that they were dealing with professional “hustlers.” Actually, by the time we arrived at Ivete’s house, the lawyer had already phoned the policeman that had made the arrest and went to the police station.<sup>22\*</sup> The police officer would have asked Alex *from where* was the lawyer (wanting to know, evidently, *who* he was, equally to know if he should put

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22 An officer of the Military Police, in an informal conversation, told me that once, in the fifteen minutes between arresting a dealer and presenting him at the nearest police station, he got three calls on his phone from lawyers and police officers, asking about what had happened and informing him of “who he was dealing with.”

into play along with him, the official law or the already-instituted form of normalization, the financial deals used in the “world of crime” for the release of detainees).

Alex told us that at first he pretended not to have heard the question – he didn’t want to let the police know *with whom* they would deal when the lawyer met them. He tried to stay out of the interaction, turning his back on the police officer without answering. But he then heard: “you asshole, son of a bitch! You turning your back on me?” Alex turned round in a sign of respect for police authority: “no sir, I answered your question, sir, it’s a lawyer from Santo André, I don’t know his name, no...and if you’re calling me an asshole, sir, it’s because I am, sir, I am.” And then he really did break down, nervous, crying with anger.

In the interactions between Ivete’s sons and the police, therefore, the possibility was already configured for utilizing an extra-legal apparatus to give order to the situation – a financial deal to avoid the arrest of the young men. Thus, a specific mode of managing the use of violence in interactions between the police and “crime” is established. There is no physical aggression, there is no exchange of gunfire, no confrontation, but a conflict contained within the sphere of discursive interaction steered toward financial deals. The doors of the patrol car were finally closed, the cars driven away and the arrested youths would be taken to the police station in the east zone.

### **The police station: trajectories of coming and going**

The gathered family decided to go to the police station to find out how Anísio was being treated. “Let’s go in Neto’s car!” one of the brothers who is a “worker” said.<sup>23</sup> The route was known to the family, some of Ivete’s kids already had experience at this police station, so they showed us the way.<sup>24</sup> Ivete asked me if I would go, I let her decide. Since I was the only one of us officially “able” to drive, I got into the car and drove. In addition to Ivete and myself there was: Fernando, Vilma and Caio (Ivete’s youngest grandson, Fernando’s son, who was two years-old). They were in the back seat, Fernando continued to narrate each detail of the scene with the police, Vilma was quiet, with Caio on her lap.

<sup>23</sup> The family has four cars, three stolen and one, Neto’s, bought on installment.

<sup>24</sup> A month later, a widely-circulating newspaper denounced a corruption scheme that involved stolen cars, bribes and money laundering that used, as a privileged territory, the yard of this same police station.

It was raining, and I found myself driving at night through busy streets, among many cars and with poor visibility, routes entirely unknown to me. The Palio had a very stiff steering wheel that moved around a lot, involuntarily, even when we were going straight. There was almost no fuel, we stopped to fill up, and I offered to pay. It took a lot of effort to turn the steering wheel, and the whole car shook. I commented on this, and Fernando replied: “yeah, it’s still not very good, no.” I knew the history of that car, it had been in a very severe crash a year before and had been fixed in a neighborhood chop shop. The route shown by the kids took us to a police station with a name similar to the one we should have gone to. We found that out only when we arrived there. The error made us twenty minutes late, and when we arrived at the right police station, we discovered that this setback had been decisive.

Ivete went up to the counter on her own, we hung back ten, meters behind her, in the doorway. She asked about her son, and heard from the officer that there was no Anísio there. She understood the message straight away, I heard the officer from where I stood and also understood what was going on. But Fernando didn’t, and he went up to the counter saying: “what, but we phoned the lawyer and he said that my brother had already arrived here, with him...” Ivete glared at her son, while the police officer behind the counter got angry, and raised his voice: “I’m telling you – and whoever else wants to hear – that there isn’t any Anísio here! There’s a Jonas, who’s been arrested, anyone here a relative of his?”

Ivete apologized for her son’s question, thanked the officer for the information and left. We all went out to the yard, towards the car, in silence. Ivete asked to borrow my mobile and phoned the lawyer again – and he confirmed that he had just dropped Anísio off at home. There was general relief among the family, I was also relieved. Then came the urge to find out exactly what had happened. I asked Ivete if she could confirm that there had been a *deal*, she nodded in the affirmative. Fernando still thought that there hadn’t – “my brother doesn’t like giving money to the police, see?” I don’t think there was a deal, it was the lawyer that got him off.” But everything had been so quick that there wouldn’t have been time to take a statement, do all the legal paperwork requesting release etc. The lawyer would never have got him out so quickly, via the official apparatus. Not least because Anísio, at 30 years old, had already spent five years in prison, in two stints; another arrest, and under those circumstances – *caught red handed* – his case wouldn’t be so simple.

Hours later, back at the favela and talking to Anísio at Ivete’s house, while he watched the national news, I found out how much he had agreed to pay for his release: R\$16 thousand *reais* (15 thousand to the police, the rest to the lawyer).

### 3. Crime World “Debates” : another legal order

August, 2009. I visited Ivete again, one Friday afternoon, at the health centre where she works. This time I found her there, she hugged me and offered me a seat. She asked if I knew what had happened. I didn’t. So she told me that Lázaro, another of her sons, had been “banished” from the favela where they live three weeks earlier. “He did what no thief should do: he informed.” After telling me what happened, she cried copiously. She said she was afraid she would never see him again.

Lázaro was the manager of a “biqueira” (a small point for drug dealing) in the region, he was 26. He’d been “in crime” since he was 15, and had already been arrested three times. On the run from the official justice for a year and a half, he used false ID (his twin brother’s), and sold crack and cocaine. He had a good car and was earning a reasonable amount. He had told me months before that he’d gave R\$ 30 thousand in one year, for the police to guarantee the continued operation of his drug point. He was also protected by one of the top local dealers, although he was not very popular among the guys his own age in the favela. Rumour got around recently that he had been baptised as a “brother” (member of the PCC) not long ago, a fact that I never managed to confirm with his family.

Ivete told me that in May, Lázaro had been detained and, to not go back to prison, he made another kind of deal with the police. He accepted the invitation to become an *informer* for the detectives and, for some months, he had been telling specialised police officers how the trafficking worked and about other spheres of “crime” in Sapopemba. This secret scheme, however, was discovered in July, 2009. And, as is known, in situations like this “the crime” organizes discussion meetings – known as “debates” – to hear those involved, their defenders and their accusers, to judge their arguments and punish the guilty.

The course of the “debate” that decided to expell Lázaro from the favela is very instructive of the operation of this apparatus. The main drug-trafficker in that territory, José, who had known Ivete for 14 years, ever since the family



arrived at the *favela*, immediately called Lázaro for a serious chat. Only José and one of his subordinates took part in the “debate.” He had heard from one of the police officers that Lázaro was an informer. José asked Lázaro directly if he was part of the police informant scheme, which he vehemently denied (Ivete told me this). The accusation was extremely serious, but there was no proof. Lázaro had been known by many there since he was a child and, although this transgression deserved death, José respected Ivete too much to order the death of one of her sons, without being sure. For this reason, José directly intervened in the case, asking Anísio to take Lázaro to the bus station, and to put him on a bus for far away and “disappeared,” immediately. It was a “chance to live” for Lázaro, offered before the news reached the ears of the “brothers” (of the PCC).

In half an hour they left, but on the way to the bus terminal, Anísio’s phone rang. The information that Lázaro was an informant had already reached the “brothers” and they had the power to override José’s decision. Despite having received many reports that the PCC “controls” the whole region of Sapopemba, and others throughout the São Paulo periphery, I have obtained information about the existence of other criminal factions in the district. There also continue to be “independent” traffickers and criminals. José was one of these. However, the hypothesis with which I have been working is that the PCC “brothers” control only a *part* of the illicit markets, although they constitute the instance of final normative deliberation over the order of the entire local “crime world.” That is, a youth can rob a car on his own, and not hand it over to anyone in the PCC, but his *conduct* in relation to other members of “crime” and the police is guided by the normative apparatus controlled by the “PCC.” In Sapopemba, for that reason, as well as all individuals inscribed “in crime”, all the *favela* residents (whether or not they practice criminal activities) are guided by this “legal structure.”

The “brothers” phoned José and asked that Lázaro be returned for a second “debate,” now in their presence. Anísio brought his brother back. So Lázaro was then submitted to another discussion, this time with much greater pressure. Some of the “brothers” wanted to summarily execute him – considering “bedding down with the police” and informing to be cardinal sins that deserve the death penalty. Others, however, who took part in the debate weren’t certain about the decision, and execution is only conducted when there is consensus. Perhaps out of respect for José, an old and well thought of

dealer, or to avoid the bad feeling of “overturning” his decision, the “debate” decided to “banish” Lázaro from the favela. He would never again be able to enter Sapopemba.

Before going back to the bus terminal, however, Lázaro was beaten to the point of having some bones broken, a beating that involved the compulsory participation of his brother. Anísio dragged him back home, and, an hour later, he was placed on a bus for a capital city in the Brazilian Northeast. Lázaro still ran the risk of being killed there, if other “brothers” disagreed with the sentence. Ivete cried considerably as she told me this story. She even seemed to lose consciousness at some moments. She told me that on the following day she went to José, and later to the “brothers,” to *thank* them for having let her son live. I hadn’t seen her break down like that for many years.

I went back home, and on the following day, Ivete’s situation had become even worse. Anísio, at 30, had been murdered on Saturday, August 22, 2009. I immediately thought that he might have been executed for having had some sort of compliance with his brother Lázaro’s informing. But everyone denied this: he and Orelha had been carrying out an assault, and when they were making their getaway on a motorbike, they were shot by the police. Orelha, who was driving, died from a shot in the back; Anísio died from the crash and fall at more than 100 km/h. Details of the story were confirmed to me by their brothers. I returned to Sapopemba a week later. Ivete was in bed, accompanied daily by “friends” from the favela who had also lost sons and daughters to murder. She had taken a leave from work and was once again taking psychiatric medication. A family friend told me the story like this: “Anísio died. Murdered. Ivete is very sad. It was he who was paying for the renovation of her house; he was the one who helped her out the most.”

### **Coexistence of the normative apparatus and the management of violence**

I have affirmed that when confronted with situations considered unjust in daily life, residents of the São Paulo periphery have recourse to different instances of authority, in their search for justice. The choice of which instance to activate depends on the type of problem confronted. If a man has a job and over many years hasn’t received the overtime to which he has a right, he has recourse to the Labor Court. If a mother doesn’t receive child support

from her ex-husband, she will activate the civil court. If one of her sons was arrested unfairly, or if he suffered police violence in the favela where he lives, she will try to appeal to the press, and if that doesn't work, entities involved in the defense of rights. At the extreme, there will always be recourse to divine justice. But if someone in the family was robbed, assaulted, beaten up or killed (and the agents of the criminal acts were not police officers), a complaint would be made to a local authority from the "criminal world," if need be, to it would be taken to mediation by the "brothers" (baptised members of the Metropolitan First Command – the PCC). A debate would be organised to arbitrate the contention and execute measures to bring *justice*.

Thus, from the perspective of my research interlocutors, and especially among those that live in the favelas of Sapopemba, at least four different sets of *law* (understood as normative codes of conduct) are recognized as legitimate, and with which one dialogues in daily activity. Moreover, for this same reason, four different legitimate normative apparatus are recognized, which delineate four different instances of justice and their specific operators which act concretely in daily lives.

i) the state's *legal justice system*, operated in the courts through lawyers, agents and civil servants of the State, and which is based on the federal Constitution;

ii) the *justice of the "world of crime,"* operated in the "debates" promoted by criminal factions, especially the Metropolitan First Command (Primeiro Comando da Capital - PCC), sustained by a code of conduct known as the "law of crime" or "procedure"<sup>25</sup>;

iii) the *justice of the police* at the hierarchical base of the corporation, operated *in loco* during patrols and invasions of the favela and the residences therein, which can vary from strict compliance with official law to much more obvious illegality, depending on the status of the individual in question;

iv) *divine justice*, operated by religions based on Biblical (or Afro-Brazilian) references, priests, pastors, or "*pais de santo*", who invoke codes of

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25 The average number of homicides in the capital, which had been fluctuating around 30 per 100 thousand residents in the late 1990s, has fallen progressively since 2000. The rate in the district of Sapopemba fell progressively to 25% of the former high, from 209 homicides in 2000 to 51 in 2007 (PRO-AIM 2008). I defend, in Feltran 2010, that the fall in these rates is due, above all, to the internal ordering of the "world of crime" after the presence of the PCC was consolidated in the peripheral zones. For different approaches to the PCC, see Biondi 2010 and Nunes 2008. Adorno & Salla 2007 analysed the events of May 2006 and conferred academic relevance to the study of the faction.

conduct particular to each religion.<sup>26</sup>

The press also acts, in a series of situations, as a fifth instance to which one has recourse in the case of injustice; however, it is seen especially as a mediator that would allow increasing the probability of access to formal legal channels, through the greater publicity provided by the press.<sup>27</sup> The ethnographic situations described above seem to me to allow the characterization - of at least three of these normative apparatus that coexist in the territories researched and which are differentiated by contrast. As I have mentioned, recourse to divine justice calls for a specific approach that will not be dealt with here.

The sole intention of delineating these apparatus analytically - which evidently appear mixed in the situations presented - is to conduct a less normative reflection on the dynamics of criminality and the management of violence on the periphery of São Paulo, which favors comparative analyses. The field research allows analysis of a repertoire of instances and procedures that I provisionally call normative apparatus.

It is necessary to note that, although they differ from one another, the reference to the official law of the State is not insignificant in any of the apparatus. Having full legal age and criminal antecedents, for example, modifies the course of daily interactions and forms of criminal action: a case in point is the contrast between the situations experienced by Ricardo, at 17 and Anísio, at 30, when they were accosted by the police. The normative action of the police officer involved in the interaction - as a reference that should be seen as a successful operation - varies as much in relation to the official legal reference (that distinctly frames the direct interlocutor of the operation) as to the modes of operation of the justice system. If the police officer perceives that a boy of 16 who works in drug trafficking would not be held even if arrested (for being a minor, for lack of proof etc.), it is common to not even take someone this young to the police station. Punishment for his conduct is issued by means of aggression or extortion, even at the time of the operation.

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26 Although divine justice is the most abstract among these, its absolute superiority in relation to the others is enunciated very frequently: "*the Prosecutor is only a man/God is the Judge*," according to lyrics by the Racionais MC's, the most important rap group in São Paulo.

27 In the rainy season, landslides that destroy homes are common on the favela hillsides. In these cases, the inhabitants first call a TV network that has been there a few times. They do the same to try to prove paternity, or for reparation in a police case, etc.

The apparatus involved in the normativity that informs the daily actions is multiple. The official law will punish deviations in the case of the individual being taken to a police station, and from there to a court. Before that, however, *other* instances can be activated that are authorized to instill codes of conduct and punish transgressions. Ricardo and Anísio were able to avoid prison by paying for their freedom.; Anísio had a lot more to lose, and to pay for, and for that reason he paid more heavily. Lázaro was judged by another “law,” however, and the punishment has a validity that goes far beyond the legitimacy of official law – he was “expelled” from the favela forever.

Since the official apparatus is not the only one that operates in the city’s peripheral areas, it is necessary to say that the police are also not the only entity to patrol the behavior of the inhabitants of these neighborhoods: the “crime world of crime,” lawyers, local associations and churches also carry this out, in a very capillary way. Among these actors, however, only the “crime world” has the ability to implement an apparatus capable of offering codes of behavior, and to establish operators and instances for legitimate surveillance, judgment and punishment of transgressors. The case of Lázaro’s judgement and punishment is an example of the several spheres in which this order works, and of the type of law that it establishes – in which, it is important to remember, homicide is avoided as much as possible.

In sum, if the “legal justice” system claims to be democratic and universal, a favela resident knows that its application is, in fact, unequal and selective. Space is opened to legitimate the apparatus of “crime justice,” which does not deny exceptions, but that claims to be “fair” because it is applied equally “to everyone.” The normative apparatus applied by police officers in peripheral areas is a manifestation of the hybridization of the two previous apparatus – it is an institutionalized manifestation of the *de facto* selectivity of state justice, operated according to codes internal to the “world of crime.” In sum, the procedural justice of the “law of crime” expands its legitimization on the city’s periphery in the exact measure in which the official legal apparatus shows itself to be selective – which is incessantly confirmed by police actions.

When Ricardo was accosted by police officers he didn’t know, he was asked two initial questions: “how old are you?” followed by “do you have a police record?” These questions, common in police dealings on the periphery, evidently serve to identify the individual’s situation in relation to age

criteria and previous inscription in the “world of crime” which, together with the corporality (the set of diacritic signs of individuals and groups, combined with ways of dressing, speaking etc.), will offer parameters for the sequence of police action in relation to the “suspect.” After this first identification, official *ID* is requested, to check the information provided and, depending on the case, allow the police to “access their record”. Nevertheless, if these criteria are relevant for the police officers – and the cases studied above are clear in this respect – it is because they discriminate, in the normative police apparatus, between the different roles that individuals like them can occupy – as workers or hustlers - among a myriad of variations of positions of *status* within these categories. Once the accosted individual or group’s situation has been defined *in situ*, a specific type of action is then decided on: a “worker” is normally frisked, searched and released, without question, while a “criminal” will be kept in the interaction for longer: there are cases in which their personal belongings are stolen, there are others in which they will be forced to reveal or inform on colleagues in “crime”, and more often than not, he will have to pay to not be arrested.

In all cases, the framing of the action depends on the performance of the different operators – individuals in “crime” and their peers, police officers and their peers, lawyers and operators of the law, religious followers etc. – and of the apparatus these parties use to produce agreements. It was like this in the interactions of the police with Ricardo, with Anísio and with Lázaro, in the situations presented above. The discretion of the police officer on the street means that his action swings between what is legal and illegal, depending on the framework of actions that the situation permits and, above all, on *who* is the target individual or group that the force of order is intended for. It is this discretion that, as Veena Das has presented in her research, maintains the regulatory ability of the state in contexts of illegality and extreme violence.<sup>28</sup> In each interaction with “crime,” even when acting circumstantially under non-legal principles, it is the prerogative of the state agent to decide which normative apparatus – the official law, the “law of crime,” financial “deals” etc – to use to frame the individual or group accosted. The definition of the agent, which is always contextual, will not let the accosted individual define the rules of the game. This plasticity in the definition of the situations

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28 Das 2006, especially Chapter 9.

is the *modus operandi* of the State power agents on the periphery of the city.

In the 1940s, it was possible to read that “the main function of the police department was not to guarantee compliance with the law, but regulate illegal activities” (Whyte 2005: 154). This affirmation foresaw the thesis of “the differential management of illegalisms,” later developed by Michel Foucault, and reappropriated energetically in contemporary Brazilian debate.<sup>29</sup> If this dynamics of interaction between law and illegalisms on the margins of the social is not a creation of the PCC, the practices of regulation of violence that it suggests are new in São Paulo.

In 2000, a youth in the favela may often have been coerced to kill someone who owed him money (even if it was a debt of R\$ 5), to maintain his honour and *status* in “crime.” Such an attitude is unthinkable in the peripheral areas of São Paulo in 2010. In another sphere, the price paid by “crime” to maintain business operations working has undergone considerable inflation. The situations analyzed above are rare in that sense; there was never so much concentration of capital among their agents, or as much stability in the ways of dealing with the law and the illegalisms as in the “PCC era.” The regulation of lethal violence (obtained by the political hegemony of the faction) in the urban territories under focus is central to the understanding of this concentration and of this order. Lázaro’s drug dealing “point” – with little movement – cost R\$30 thousand in 2009, to keep working. Anísio and Orelha paid R\$16 thousand to police officers and lawyers for their release, for just one arrest. Ricardo didn’t reveal the amount paid, but the negotiation began at nothing less than R\$50 thousand.

Since the PCC started to be talked about in Sapopemba, a little before I began my research there, homicides and police violence began a marked decline, at the same rate at which the financial “deals” between “crime” and police expanded. The resources for these deals, according to what I have been informed, are “lent” by the “brothers” and paid back by the beneficiaries in installments. If there is the possibility of a “deal” between the parties, the need for armed confrontation between the police and the “crime world” is reduced. Thus the law, punishment and violence apparatus are managed using other terms.

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29 See Foucault 2001: 227; one of the appropriations of his argument, in contemporary Brazil, is in Telles 2009.

In the favelas where I conduct research, contrary to what one would imagine, the business dealings of “crime” are numerous – with emphasis on car theft, specialized assaults and drug trafficking – but armed control of the territories does not exist. Drug dealers have worked unarmed for several years. The PCC emerged in the area in 2001, but it has had hegemony in the regulation of violence since the end of 2003. Since then, the violent actions of “crime” have been restricted to those related only to their line of business (assaults, robbery, kidnappings etc.) and to the punishment of deviations from the “procedure” deliberated on in the “debates.” The former are invariably carried out outside the territories studied. With the latter, “unnecessary violence” is avoided as much as possible and homicide is strictly regulated.

It is this apparatus that explains why in São Paulo the aggregated homicide rates have fallen so much, especially in the city’s peripheral zones, while the rates of armed robbery and other violent crimes remain the same or increase.

Violent confrontation is restricted to criminal events (like the assault that ended with Anísio and Orelha’s death) or to episodes like those of May, 2006,<sup>30</sup> unwanted by all involved, but necessary to establish parameters of adjustment among them (including of the rates to be paid). The territorial dynamics of violence on the São Paulo periphery, strictly managed in these processes, is therefore far from banal or chaotic. As the situations demonstrate, these dynamics have been rigorously administered in the interaction between different subjects, moreover, by using much less armed force than in other capital cities in Brazil (although the PCC evidently possesses very heavy armaments for its criminal activities, and is also present in other capital cities). The study of these normative apparatus seems to me to be a privileged way in which to analytically describe the frontiers of contemporary social tension and ways to manage it. Although seen here from the periphery, the construction of these frontiers suggests much broader repercussions for research of urban and political scenarios in contemporary Brazil.

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<sup>30</sup> I have studied the different levels of conflict and violence of police actions in the peripheral zones of São Paulo in Feltran 2010b.



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