

The criminalization of funk dance and rap and the black genocide in the cities of Rio de Janeiro and Lisbon

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Abstract: This work reflects on the criminalization of baile funk and rap in the Brazilian and Portuguese contexts. We are interested in reflecting on the historical, political and institutional conditions that normalize a regime of permanent exception to which the police and the justice system subject racialized people and their forms of artistic expression. The criminalization of art produced by the black community has served to associate race, territory and danger and to delegitimize artistic manifestations that denounce the practices of daily racism experienced by that community. The criminalization of baile funk and rap leads us to problematize the terms in which white scholars discuss security policies for black youth and favelas. In addition, it becomes imperative to qualify the debate about citizenship. The black movement challenges this grammar and places the existence of institutional racism and the genocide at the heart of the discussion on the criminalization of black youth.

Keywords: rap; baile funk; black youth; criminalization

A criminalização do baile funk e do rap e o genocídio negro nas cidades do Rio de Janeiro e de Lisboa

Resumo: Este trabalho reflete sobre a criminalização do baile funk e do rap no contexto brasileiro e português. Estamos interessados em refletir sobre as condições históricas, políticas e institucionais que normalizam um regime de exceção permanente ao qual a polícia e o sistema de justiça sujeitam as pessoas racializadas e suas formas de expressão artística. A criminalização da arte produzida pela comunidade negra tem servido para associar raça, território e perigo e para deslegitimar as manifestações artísticas que denunciam as práticas de racismo cotidiano vividas por essa comunidade. A criminalização do baile funk e do rap nos leva a problematizar os termos em que os estudiosos brancos discutem as políticas de segurança para a juventude negra e as favelas. Além disso, torna-se imperativo qualificar o debate sobre cidadania. O movimento negro desafia esta gramática e coloca a existência do racismo institucional e o genocídio no centro da discussão sobre a criminalização da juventude negra.

3. It is important to underline that we chose to use the term "baile funk" (and not just funk or funk carioca, present in some studies) because we understand that baile funk has been configured in Brazil as a complex space of sociability for black youth that cannot be reduced to the funk genre alone, despite being inextricably linked to it.

Palavras-chaves: rap, baile funk, juventude negra; criminalização

1. Introduction

This work will analyze different processes that culminate in the criminalization of baile funk³ and rap in Portuguese and Brazilian contexts and reflect on the historical, political and institutional conditions that normalize and/or naturalize a regime of permanent exception, to which the State submits the "*literate in resistance*" (Souza 2011). This is evidenced by the arrest of MCs in Rio de Janeiro, as well as using rap to discredit allegations of racism and police brutality judged by legal institutions in the Lisbon Metropolitan Area. In both contexts, the criminalization of art produced by the black community seems to have served to associate race, territory and danger, without the first ever being named. This combination results in dehumanized representations of blacks and justifications for policies of death. This has contributed to the establishment of blacks as "enemies of civil society and the sovereignty of the State" (Alves 2018).

The racial state treats black people as its enemy. It does not matter what the reason is ("war on drugs", "fighting incivility"), "the other" is easily framed as an enemy of civility, good manners, social cohesion and development. Therefore, blackness is constructed as the incarnation of an enemy of the nation. In this sense, we now reflect on certain questions:

(1) To what extent has the discourse of public safety, prevention of juvenile delinquency and uncivilized behaviour renewed and legitimized the existence of vital energy extraction zones (beatings, imprisonment, eviction from homes, daily surveillance) of racialized groups (Mora 2019) in large metropolitan regions such as Lisbon, Rio de Janeiro and many others?

(2) Is it possible to think of other forms of human dignity and emancipation outside the framework of Eurocentric humanitarianism? In this sense, what can we learn from the ways black people exist and resist, namely, with art produced in articulation with resistance practices? How has this collective-being created meanings of life, dignity and claims on the sidelines of white power?

The studies of Raúl Zaffaroni (1993), Vera Batista (2003), Nilo Batista (2007), Evandro Duarte (2002; 2016), Ana Flauzina (2006), Thula Pires (2016; 2018), Jaime Amparo Alves (2018), Dina Alves (2017; 2020), Rita Alves (2021), Silvia Maeso (2021), among others, are foundational to the agenda of political-legal studies in the Portuguese and Brazilian contexts on the imbricated relationship between criminal policy and slavery conceptions. From different axes of analysis and diverse "case studies", these authors have contributed to making visible how the construction of the modern

penal system is based on colonial conceptions and practices that directly impact on the bodies elected, since slavery, as the suspect subjects par excellence: black bodies. Black bodies were chosen as ideal types for the consolidation of the concept of criminal type, as Evandro Duarte (2016) points out:

The "colony", founded on the power relationship existing between colonised and coloniser, resembled an institution of kidnapping. The monopoly of the word by the coloniser demonstrates the presence of a power to name the Other, very similar to criminal labelling. [...] In this spectrum, racist Criminology, by bringing the criminal and the "savage" closer together, acquires new contours. It was an ideology that confused the aggressiveness and alienation of the man subjected to the colonisation process with his intrinsic evil, classifying as a criminal way of being all forms of survival to the colonial reality, adaptations to the imposed models and to the classificatory violence suffered, but above all, all biological human diversity different from European standards and all forms of cultural expression capable of enabling responses, albeit symbolic, to the loss of identity in the face of the colonising process." (p. 520).

In that sense, the central argument in this paper is that the black body, whether in Brazil or Portugal, is the recipient of institutional practices that actualise colonial violence. As Zaffaroni and Batista warn us about the constitution of the penal system forged in the midst of the advance of mercantilism and the construction of criminal discourse:

"the punitive uses of mercantilism, concentrated on the body of the suspect or condemned [which was usually the body of the enslaved], was of partial use, it was effective only in the galleys, in the floggings, in the stage of mutilations and in the courts only in the galleys, in the floggings, in the stage of mutilations and death" (Zaffaroni & Batista, 2003, p 411).

Hypervigilance, dispossession and death constitute the core logic of antiblackness and are its expected outcomes. Anti-Blackness is central to understanding how

4. The authors obtained all necessary ethical approvals to conduct field research and interviews, including from the following committees: (1) the Comissão Nacional de Proteção de Dados (CNPd, national committee in Portugal, number 728/2017); (2) Plataforma Brasil (national committee in Brazil, number 3.412.173); (3) Parecer da Comissão de Ética do CES (Ethics Committee from the institution where the research project is based).

modern societies reorganise themselves in post-slavery life.

2. Materials and Methods

This article is based on a qualitative methodological strategy that primarily includes: 1) archival research; 2) two case studies, and 3) 40 in-depth semi-structured interviews conducted in Rio de Janeiro. In the Portuguese context, data were collected based on the analysis of newspaper materials and on the monitoring of trial sessions that took place in 2019 of 18 police officers accused, among other crimes, of kidnapping and torturing six young black men. In Brazil, in-depth interviews were conducted with leaders of an organization of funk singers and professionals from justice institutions.

Considering the sensitive nature of some of the information obtained during the interviews, the names of the interviewees are anonymized. Interviews in the Brazilian context have been collected since 2013 as part of different research projects (PhD and postdoctoral research) conducted by one of the authors. Informed consent was obtained from all participants. All interviewees were informed of the project details and intent. Both authors ensured appropriate precautions were taken with a view to protecting the confidentiality of participants and their data.⁴

Seeking to break with comparative and hierarchical approaches (e.g. Country X is more racist than country Y) about racist dynamics, the present study is based on a relational perspective about the constitution of the criminalising discourse about black people in Brazil and Portugal. This methodological choice is justified, from our point of view, by the realisation of the limits of nationalist approaches that ignore the historical connections between contexts in the process of consolidation of the modern world. Based on the understanding that nation-states are fictional creations and that, therefore, using this artefact as a truth in itself would limit our ability to reflect on race, racism and anti-Blackness, our analysis seeks to perceive social realities as the result of orderings that share nuanced tables and are historically and contextually connected.

The methodology of critical discourse analysis (Van Dijk 2005) has been applied in both Brazilian and Portuguese contexts. This “dissident research” (466) starts from the understanding that discourse is the product of interaction between discursive structures, groups, institutions, and socioeconomic positions structured on power relations. The analysis, therefore, approaches discourses as interpretations of reality and, in this article, as interpretations of how the police and the justice system criminalize black artistic production. In this context, by conducting a critical analysis on discourse, one can understand how “social-power abuse and inequality are enacted, reproduced, legitimated, and resisted by text and talk in the social and

political context” (Van Dijk 2005, 466). More specifically, using critical discourse analysis, one can understand how discourse enacts and reveals structures that construct black artists as enemies of the state, but it also allows comprehension of how this process can be challenged.

3. Results: The Criminalization of Baile Funk in Rio de Janeiro

3.1 Emergence and consolidation of the funk scene

The emergence of a funk scene preceded the production of baile funk as we know it today. Baile funk music heard in Rio de Janeiro, sung in Portuguese and marked by a strong syncopated electronic beat, sounds very different from the funk played in the *black* suburbs in the 1970s. However, research recognizes these parties as the beginning of the funk scene and today's baile funk (Vianna 1987, Essinger 2005, Herschmann 2005, Lopes 2011).

In 1969, Mr. Funky Santos started organizing parties at the Astoria Futebol Clube, located in Catumbi, close to the city's port area. Santos' parties were extremely successful. According to him, this happened because young people from the suburbs who started going to dances didn't want to listen to rock music, just "heavy funk", as he called it. Big Boy, another DJ at the time, considered to be the first to play soul, included rock in his sets. Mr. Funky Santos, noticing the preference of suburban young people, started playing only soul and managed to steal some audience from Big Boy (Essinger 2005).

An important venue for the soul scene at the time was Clube Renascença, created in the late 1950s in Méier, before moving to Andaraí a few years later (Vianna 1987, Essinger 2005). One of the main goals of this club was to bring the black community together and raise their self-esteem, according to one of its main creators, Filó (Essinger 2005). The first parties held in Renascença were samba parties. But one night, Filó went to Astoria Futebol Clube to experience Mr. Funky Santos' party. Surprised by what he saw and heard, Filó realized he could do the same at Clube Renascença. In 1972, he set this idea in motion, creating The Night of the Shaft. This was the start of several parties, which culminated in the creation of the Soul Grand Prix sound crew (*equipe de som*). According to Filó, his peculiarity was having a black conscience (Essinger 2005).

The assertion of blackness in the early days of the baile funk scene in Rio de Janeiro could be seen in the name of a fourth important sound crew, Black Power. This sound crew started with Paulão, and his first night was at Clube Botafoguinho, Guadalupe. Four sound crews dominated different areas of the city, as described by Essinger and

his interviewees. Big Boy was a big name in the South Zone, known for being the richest and most touristic area in Rio de Janeiro. The central region, also comprising the port area, was Mr. Funky Santos' region. Soul Grand Prix dominated Leopoldina, Meier and Cascadura. In turn, Black Power was strong in Oswaldo Cruz, Bento Ribeiro, Marechal Hermes and Rocha Miranda (Essinger 2005).

Throughout the 1970s, several documents produced by the National Intelligence Service (SNI) pointed to the soul movement active on the outskirts of Rio de Janeiro being a threat and affirmed the need to control such manifestations (Pires 2018). The term used for this intent in SNI documents was "Black Racism" and there was concern that movements such as the Black Panthers, identified as "communists" and "subversive terrorists", sought the "destruction of Western societies" (Pires 2018, 1060).

It is important to say that in this article we do not intend to discuss the transformation processes that baile funk has gone through since the 1970s, but we start from the understanding that the criminalisation of black artistic expressions is more connected with class and the territory where these expressions are produced and performed than with their (more or less critical) content. In this sense, the analyses and opinions of important figures in the black Brazilian movement as well as "scholars on the subject" about baile funk seem to diverge in relation to the directions of baile funk but converge, in our point of view, to the same place: the need to frame a complex artistic manifestation and to summarise it as "this" or "that".

Many debates in the 1970s and 1980s noted the alienated, colonized or Americanized character of soul music being heard in Rio de Janeiro (Vianna 1987). We can give as an example, Lélia Gonzalez, who in an interview given in 1979 seemed to recognize that she did not realize at the time the importance that movements like Black Rio had as a way of promoting "black pride" (Ratts & Rios 2010). As Gonzalez said: "I thought that Black Rio was an alienation ... the blacks here wanting to imitate the American blacks" (Ratts & Rio 2010).

On the other side, of the accusations against baile funk, we have the "scholars on the subject", such as an anthropologist Hermano Vianna. The influence of his work (the first ethnographic account of *baile funk* in Rio was in 1987) marks the ethnographic literature that started to be produced about funk from the perspective of whiteness. Some reflections on funk as a way of sociability but also a way of confronting an anti-black world must undergo a critical analysis of how the political possibility of this "world" was seen and narrated from a white perspective. Vianna, for example, states: "Soul lost its characteristics of pure fun, 'enjoyment', an end in itself (in the discourse of the sound crews) and became a means to an end – the overcoming of racism (in the discourse of black movement)" (Vianna 1987, 57).

Vianna seems to oppose the “crew discourse” to the “black movement discourse”, as exemplified in the text by Carlos Alberto Medeiros, from the Research Institute for Black Cultures (IPCN). Medeiros defended soul dancers while attacking samba, accusing them of co-optation by the white middle class (Vianna 1987). He also argued that clothes, hairstyles and dances associated with blackness do not solve the fundamental problems affecting the black population but could lead to practices that recreate the black identity lost by Africans within the diaspora.

The discussion develops around the repercussions of an article written on 17 July 1976 by journalist Lena Frias. Paulão, from Black Power crew, says he ended up at the Department of Political and Social Order, widely known as DOPS, as a result of the newspaper story. The DOPS was one of the main institutions of repression of the Brazilian military dictatorship that began with the 1964 coup. He claims not to know the journalist and believes that the term Black Rio itself was coined by her. Vianna states that: “Both Paulão and Nirto say that the teams had nothing to do with any kind of black movement” (Vianna 1987, 57).

We must remember that in 1977 Brazilians lived under the aegis of a military dictatorship. Therefore, even in the 1980s, when Vianna conducted his research, whether or not to assert itself as a “black movement” still carried very strong weight associated with fear of repression. It is worth questioning Vianna’s conclusion that the objective of sound crews was only to promote enjoyment. Indeed, we must go further and question ways of understanding politics, which allow the anthropologist to oppose the sound crews’ discourse to the discourse of the black movement, affirming the existence of “political appropriation” (Vianna 1987, 58). It is important to question how much Vianna, from the perspective of whiteness, transmits his own conceptions of politics to the understanding of funk, failing to perceive the political potential of *soul* beyond a notion marked by political intentionality.

3.2 Race, class and Territory in Baile Funk

In 2008, funk producers, directly addressing the political issue, created an association called APAFUNK (Association of Professionals and Friends of Funk Music). It is significant that this association played an important role in raising awareness among left-wing activists. An informant once said in an interview: “APAFUNK brought many from the left into funk and many from funk into the political struggle.”

The perception of many members of APAFUNK was that funk was seen within the left as an alienated, Americanized, and sexist movement. This view is affirmed not only informally, but also in opinion articles published in newspapers by authors such as Safatle, who states: “every time the regression to which Brazilian music is being

subjected is raised, one is accused of being an elitist. After all, those songs come from the poorest strata of Brazilian society.” (Safatle 2015) In response to statements made by Safatle, Facina, Gomes and Palombini criticize him, stating “If he went through the streets and alleys of some Brazilian favelas on a Saturday, [Safatle] would hear the complexity of sounds and meanings, the poor in their performances insisting on reinventing life in the face of daily genocide” (Facina et al 2016, 82). The authors use the term "poor", somehow still relegate the racial issue and its interconnection with the “criminalization of the poor” and genocide to the black periphery of Brazil. Also is important to say that while some *carioca funk* artists seem to earn money and visibility through funk, the criminalization of their style persists. This is especially the case for producers who are not part of the hegemonic circuit of the music industry or the population that consumes it.

In this context of criminalisation of black bodies, territories and artistic expressions, how are race, class and territory articulated? The institutional racism is managed via a territorial logic. It is, therefore, crucial to implement what Razack (2002) calls unmapping, that is, denaturalizing the understanding of how spaces were formed. This process means “denaturalizing geography” (Razack 2002, 5) and demands questioning how spaces are created, both physically and symbolically, as well described by a public defender interviewed when discussing how enslaved people, with the formal end of slavery, were deprived of access to land through the Land Law of 1850:

The favelas of Rio de Janeiro are composed of black people and there’s a history of how favelas, especially the older ones, were formed. You have the Land Law of 1850, then you have the abolition of slavery, this law actually prevents (...) newly freed slaves from accessing the land, and at the same time these people also need to live. Then, the territory that was considered uninhabitable is now inhabited by this population, freed slaves, and now their descendants. So, we really have a historical debt, this population is there, and it is massacred daily with a public security policy that goes up the favela shooting and killing.

The control of music and its resonance in space is a matter of political control typical of the socio-spatial formation of Latin American societies, with different governments in history having attempted to control music and its performance for political reasons (Ross 2012). It is essential to contextualize the criminalization of funk as one of the facets of genocidal processes reproduced in Brazil and which, therefore, needs to

be thought about from the understanding that the reproduction of Brazil's class society is built on the bones of racialization and, in this sense, the framing of funk as a problem for public safety and in several cases of equipment seizure, noise is the main argument for the detention of the sound equipment.

The issue of noise was commonly discussed between baile funk producers and the authorities. Why is baile funk music usually portrayed as noisy? Stanley (2021) argues that one cannot attach noisiness to sounds, which are only noisy when occurring where "they are not supposed to be" (Stanley 2021, p. 52). For us, it is important to emphasize that we are not romanticizing the recurrence of conflicts between residents and the promoters of some dances around the alleged "noise at odd hours". We are interested in reflecting on how these possible conflicts are "conceived" and "solved" by the state. In this sense, the definition of noise is associated with a specific spatiality, "but additionally who is making the sound, and who has power to define the sound" (Stanley 2021, p. 52). Considering black geographies also means comprehending the "Black Atlantic performance geographies" associated with the "sound revolutions across the African Diaspora" (ibidem, p. 1).

The process of construction of the Brazilian national identity is intimately connected with the denial of the humanity of the black population. The State has played a fundamental role in the genocide of anti-black in Brazil. We consider it important to define why we can consider the persecution of the black art as part of the genocide process. To be established as part of a legal framework, the notion of genocide has undergone several modifications not in accordance with the original concept, formulated by Lemkin (Flauzina 2014). These changes responded to pressure from the international community, led by the United States, concerned with possible culpability for the massacre of indigenous peoples and the growing importance of the black movement (ibidem). The black movements in the United States claimed the use of the word genocide to describe their treatment by the American state, a similar mobilization was being undertaken by the Brazilian black movement. Genocidal processes are multiple (Vargas 2010) and associated with the elimination not only of life itself but of ways of living. The criminalization of black youth and urban areas is a process of violent devaluation of epistemologies, literacy structures and forms of knowledge.

Genocide constitutes modernity and the formation of nation states (Grosfoguel, 2016). If throughout the '30s and '40s (Estado Novo) it was capoeira and the realization of Afro-based cults, in the 2000s, the persecution of funk evidences an ongoing and structural black genocide. With this statement we do not mean that the processes are identical but that the reason that guides both persecution is based on colonialism and the logic of slavery. For instance, in 2017, the Brazilian senate discussed a bill that proposed the criminalization of *carioca funk*. This possibility

5. The Caveirão was inspired by the “Yellow Mellow”, armoured vehicles of the Apartheid regime in South Africa. These correlations indicate the existence of international white supremacist policies maintained by states against people of African origin (Souza, 2020).

arose from a vote on the Senate website where more than 40,000 people voted in favour of the legislative house considering the proposal.

What are the racial imaginaries and perceptions that mobilised 40,000 Brazilians to vote in favour of the criminalisation of a "musical genre"? At what other times in Brazilian history has a musical genre or an art form been criminalized? What were the reasons given? The maintenance of laws, practices and institutions that control, monitor and annihilate black bodies and everything that these bodies produce, such as art, is the updating of the logics of slavery and colonialism. However, practices are updated based on the nation state and the dynamics of the capitalist, which implies the existence of a double movement: the consumption of these bodies and what they produce, on the one hand, and the policy of letting die or kill the black body.

At other times in Brazil's history, other musical styles and artistic forms were also criminalized. But, what is possible to learn from the repression of styles such as samba and capoeira? How this learning can enable a better understanding of the repression currently exercised against funk. The use of the law in an indirect way, through legal articles related to the maintenance of social order, is common to all musical forms mentioned so far as an object of repression. The other element in common to all these artistic forms that throughout history have suffered repression is the fact that they are mostly performed by black people. Analyzing the relationship between police repression, cultural production and territory control enables an understanding of how the police, in addition to implementing genocide, also participates in the production of racialized space.

In 2019, DJ Rennan da Penha, creator of the rhythm known as 150 BPM funk, a reference figure at Baile da Gaiola (held in the Penha district) and nominated for a Grammy, was arrested, accused of working as a "*fogueteiro*", that is, a person who works in the drug trade, responsible for notifying traffickers that the police are approaching. The prosecution's indictment was based on an exchange of messages in a WhatsApp group. Rennan da Penha reportedly warned people in the group of the arrival of the *caveirão*⁵ (big skull), an armoured vehicle used by the Military Police, which commonly leaves behind a trail of death and destruction for residents. People living in areas subject to police brutality commonly notify each other of the arrival of the police, since the actions of the police result in thousands of deaths each year. The military police also repress funk dances, threatening the owners of equipment or destroying speakers, e.g. by burning them. Reports collected by APAFUNK denounce numerous situations like the one we present below, where, in addition to threats, the police tried to extort the producers of the event:

At 11 pm, 2 vehicles from the local Battalion entered the place, ending the event. Everyone left. The owner

of the crew was present and began to put away the equipment when he was approached by the responsible lieutenant, who asked if he had authorization for the event to take place. He said he hadn't taken any permits. The lieutenant ordered the equipment to be removed and placed on the ground, warning that he would set it on fire. He resisted and begged the officer not to do it since he had the vehicle and equipment documentation up to date. He also said he would go to the Police Station if that was the case. After a discussion, the lieutenant stated that R\$1,500.00 "would solve the problem". He said they would have 40 minutes to get the money. He was constantly threatening to set fire to the equipment. At 1:20 am the crew brought the money and paid the lieutenant. So, they left.

Several productions of baile funk have raised the issue of blackness, as in the famous phrase: "it's the sound of black people, of *favelados*, but when it plays nobody stays still". We can also quote MC Carol:

Shift change, the bullets are being shot / Yesterday
there was a baile, there was a baile in the favela /
Seven in the morning, a lot of shooting / They killed a
child going to school / On television the truth doesn't
matter / It's black *favelado*, so he must have had a
pistol.

DJ Rennan da Penha's lawyers also point out the racial issue, stating that: "Rennan da Penha represents black culture on the outskirts of Rio de Janeiro, which is precisely why he suffers widespread prejudice outside the environment where he was born and raised." It is important to emphasize that resistance to the criminalization of funk started to adopt a discourse in which anti-blackness figures as a critique of the hegemonic narratives promoted by the media in conjunction with the State, mainly through descriptions obtained from police officers. One public prosecutor, for example, stated that during the 2018 carnival in Rio de Janeiro, one of the only situations of violence that occurred during a parade was led by funk singer Ludmilla. During her interview, the prosecutor cast doubts on the narrative provided by the police and suspects that the police have

difficulties in differentiating baile funk as a cultural production from criminality, due to the themes contained in the songs.

The prosecutor's speech in relation to the genocidal action of the police provides some elements for us to reflect on how the judiciary constructs narratives that make the core of the issue invisible in the discussion about the criminalization of funk dances: institutional racism (Hesse, 2004). In other words, what the prosecutor interprets as a need for differentiation (baile funk and criminality) already assumes that baile funk and criminality are in some sense associated, and therefore, distinguishing cultural practice from crime is something necessary. And, once this differentiation is made, would police brutality be justified for those who are not considered “good *funkeiros*”? Finally, she laments the difficulties that the Public Attorney's Office would have in obtaining alternative information to the police narrative. Making it clear that the construction of evidence takes place mainly through the police.

The prosecution and arrest of DJ Rennan is not an aberration. The first arrest of an artist linked to the black/ funk movement dates back to the '70s, of DJ Zeze, who was part of Equipe Zeze Discos. In the 2000s, the producer of Furacão 2000, Rômulo Costa, was accused of conspiracy to commit crimes. In 2010, Mc Ticão, Mc Frank and Mc Smith were arrested. The “inventor” of 150 bpm funk, Dj PolyVox, together with DJ Yasmim Turbininha, the first black female Dj to command a baile funk within this style, were summoned to testify without any clarification of why they were being summoned by the Civil Police of Rio de Janeiro. The problem is not, therefore, just police brutality itself, but also the way in which the justice system is structured around anti-blackness. The justice system acts against black bodies, not only by promoting the criminalization itself but also by “failing” to investigate and condemn cases of violence committed by the State against the black population and black spaces in Brazilian cities.

The black population in Brazil was not responsible for articulating the imagery around Brazilianness, associated with the need to promote national integration as part of a Eurocentric project. When baile funk artists promote a conflicting relationship with notions marked by the cordiality and miscegenation of the Brazilian State, that is not an indication of alienation from politics or tradition. They are suggesting that old ideas of Brazilianness are not valid to explain the (non-)insertion of black people into the construction of the imaginary of what would be the “true Brazilian citizen”.

It is possible to argue that the work being carried out by the police when it concentrates its violent action in neighborhoods such as Salgueiro or Cova da Moura is to produce a specific social imaginary associating areas of the city to violence. This process occurs both in Brazil and Portugal, however, as argued above this article cannot be a comparative endeavour, Portugal colonized Brazil. Therefore, there

is a clear historical link between the two countries. However, processes of urban segregation are not present only in Brazil, “the ideas of exclusion and exclusivity were internalized” (Alves 2021, 50) also in Portugal. One of the causes of this process is the increase in immigration (Alves 2021). The main work being carried out by the police when it concentrates its violent action in neighborhoods such as Salgueiro or Cova da Moura is to produce a specific social imaginary associating areas of the city to violence.

The fact that the police have done this same job at other times in the Brazilian history is evidence that the repression of art produced by black people is not a matter of maintaining order, as the use of legal devices, such as the vagrancy law⁶ or incitement and apology for crime, seems to indicate. The repression of baile funk, samba and capoeira along Brazilian history aimed to implement a social imaginary that reinforces institutional racism, beyond the violence itself exercised by the police in neighborhoods inhabited by black people.

Police violence has the power to legitimize itself by creating a social imaginary associating violence to specific areas of the city. That is, the fact that the police act in certain places is already considered an indication of the dangerousness of that neighborhood. This effect is evidenced by the greater legal and journalistic validity attributed to police narratives when compared to other accounts, as reported by the prosecutor in an interview. The prosecutor even said that on many occasions the police account is the only one available and that they have difficulties finding alternative versions. However, this situation does not represent a failure of justice or policing, it is part of the creation of official narratives and social imaginaries associated with institutional racism and coloniality of power. Police violence becomes news and numbers, created mostly by white journalists and academics. This “data” becomes more “evidence” to attest the dangerousness of spaces inhabited by black people, demanding more police work. Another evidence that can be added to the role played by police in the creation of this cycle of violence is that in Rio de Janeiro, 34,5% of the violent deaths since 2020 was caused by police.

What would be the differences between the repression suffered by baile funk in relation to other styles? The analyzed literature presents a contradictory answer to this question. While Lopes (2010) sees continuity between samba and baile funk music, other authors point to a greater association of samba with the construction of a supposed national identity (Yúdice 2003). Baile funk would present a greater contradiction in relation to what is understood by Brazilianness and would more clearly represent a confrontation with the idea of Brazil as a country that resolves its conflicts peacefully (Yudice 2003). It is important to consider that whether in the past or in the present, the idea of the cordial Brazilian is one more of the myths reinforced by social theories in Brazil (Peres 2014). Thus, both baile funk, samba and

6. The Caveirão was inspired by the “Yellow Mellow”, armoured vehicles of the Apartheid regime in South Africa. These correlations indicate the existence of international white supremacist policies maintained by states against people of African origin (Souza, 2020).

capoeira, in addition to having in common the fact of suffering police repression, are ways of opposing institutional racism, in addition to being processes of strengthening affective communities.

3.3 Salgueiro and Paraisópolis

In November 2017, eight people were murdered in the Salgueiro (Rio de Janeiro) community after a baile funk. According to journalists (Jornal EXTRA 2017), both the Military Police and the army carried out operations that day in the locality. Three investigations were opened by the Military Public Prosecutor's Office, the civil police and the Public Prosecutor's Office of the State of Rio de Janeiro (MPRJ). The MPRJ dismissed the investigation as it found no evidence of participation by civil police, but at the same time, it also dismissed the allegation that there had been a conflict between rival factions.

In relation to the Salgueiro case, a public defender interviewed mentioned a journalist who found and interviewed survivors of the massacre and who was allegedly threatened by a civil police officer. Forensics confirmed the version of the survivors who saw helmets and laser sights and described shots coming from the woods. The equipment mentioned by the survivors is used by the army. In relation to the Military Public Prosecutor's Office (or "military justice"), the defender stated that most judges are military in the first and second instances. The slaughter took place a month after the enactment of Law 13.491/2017, indicating a strong possibility of a relationship between the passing of the law and actions by the army. Law 13.491/2017 brings to military justice the prosecution of military personnel responsible for the death of civilians. Due to the possibility of not being resolved or punished, the case was presented to the Inter-American Court of Human Rights on 11 May 2018. In this same action, the public defenders asked for the repeal of Law 13.491/2017.

On 1 December 1, 2019, nine people were murdered in Paraisópolis (São Paulo), also during a baile funk. The deaths were the direct result of brutal police action. The governor of São Paulo denied that the deaths were caused by the police and stated: "The lethality was not caused by the Military Police, but by bandits who invaded the area where the baile funk was taking place. It is necessary to be very careful not to reverse the process." However, images of police action disclosed in the days after the event made very evident the violence enacted by the police.

As already widely exposed in the literature, the association of baile funk with criminality through the use of maps (Herschmann 2005, Lopes 2010) appeals to the association between dangerousness, periphery and favelas. These maps have been published in newspapers and magazines, the title of one of these maps, for example,

published on 28 March 1992, was: “The baile funk scene: where dances and drugs take place” (Lopes 2010). However, the article dealt with a protest promoted by funkeiros for the maintenance of baile funk.

Another article published in *Jornal do Brasil* had the title: “The funk movement brings despair” (*Movimento Funk Traz Desesperança*, 1992). As Lopes observes, funkeiros were compared to “painted faces”, who were part of a movement to impeach ex-president Fernando Collor. However, funkeiros were described as those who had “naturally painted” faces and were presented as “youth without perspective” (Lopes 2010, 36). Again, a map was used to spatially locate the risk associated with baile funk, and the map’s title, “Sand Division”, again promotes segregation through fear. As Lopes (2010) observes, young people are presented as depoliticized, even though, as the newspaper itself recognizes, “the depoliticized” preferred the black candidate, Benedita da Silva, to govern Rio de Janeiro during the elections happening at the time.

Let us return then to the cases of Salgueiro and Paraisópolis. As in other cases, the judiciary acts in such a way as not to hold the agents responsible for State violence accountable. How can we understand the relationship between these two cases mentioned above and baile funk? Certainly, there is no need to have a baile funk for the State to act in a genocidal manner. These cases show that the criminalization of baile funk by the State and the media, as well as narratives of depoliticization of funk, promoted by academia, journalists and left-wing activists, end up serving the building of imaginaries about those people depicted as potential criminals. These would be apolitical subjects are deprived of critical capacity and, therefore, may be subject to state interventions that culminate in the (re)production of black genocide (Flauzina 2006). Thus, it is necessary to understand the way funkeiros act in the creation of a politicized counter-narrative. For example, the same reason that, in 1992, prompted protests for the maintenance of dances also led to the creation of APAFUNK (Association of Professionals and Friends of Funk Music) in 2008, when the implementation of Pacifying Police Units in Rio de Janeiro resulted in the closure of several traditional dance halls located in favelas.

3.3 Trial of the Alfragide Squad (Portugal) and the Criminalization of Rap

One can also find a pernicious relationship between the criminal legal system and the reproduction of racist logic on Portuguese soil. One recent and public trial case shows how the law in Portugal has also been reducing black people to “non-beings” but before we show the debate the trial, we consider important a brief contextualization of how the criminalization of black bodies, families, and territories has been constituted in the Portuguese collective imaginary from the production of

7. The constant "cases" of police abuse in communities inhabited mostly by black people point to the existence of racial profiling as a practice that guides police activity regarding requests for the verification of identification documents in these locations, as was the case in Alfragide with the arrest of the young black man, the situation that led to rest of the incident that unfolded. It should be noted that, from the 1980s onwards, Portuguese nationality law, until 2020, linked the nationality of children born in Portugal to the nationality of their parents. This law significantly affected the children of African migrants, at a time when there was a wave of migration to Portugal, mainly people coming from former Portuguese colonies. In this sense, the verification of a person's legal status in the Portuguese context by the police is

the narrative of "juvenile delinquency". The production of dehumanizing narratives about black communities, families and youth was/is linked to the creation of public policies on urban security, childhood and youth in the Portuguese context since the 1980s (Maeso, Alves, Araújo 2021).

Throughout the 1990s, the public debate was dominated by the concern with the increase of criminality in the country, associated, among other elements, with immigration from Central and Eastern Europe and with the immigration from North Africa" (Maeso, Alves, Araújo 2021). The official reports reaffirmed the existence of a problem of criminality and drug trafficking, particularly in the "suburban areas" of the Lisbon Metropolitan Area. In this context, the urgency to "stop the increase of the suburban areas" imposed the "control of the external [migratory] flow", as well as the duty to promote the politics of prevention of "youth delinquency" (ibidem).

The "endemic unemployment", the "badly controlled influx of emigrants", the "cultural differences" have been pointed out as causes of insecurity and violence in official reports and repeatedly, and cultural diversity is underlined as a potentiator of criminality and insecurity. This is the discursive logic which sustains the supposed binomial prevention-repression in the internal security policy and the new models of proximity policing which "adjectivise black and gipsy youths and their families as "maladjusted", "problematic" or "dysfunctional" (Maeso, Alves & Araujo 2021: 182).

The public and official debate that followed in the 2000s confirmed the diagnoses (and their respective solutions) and gave strength to a wide range of institutional policies and practices that sought to establish state control to respond to the growing "ghettoisation", i.e., the destruction or, when not possible, the control of the so-called "problematic neighbourhoods" or "slums", official names used to refer to the territories mostly inhabited by Africans and Roma.

Such territories are under continuous surveillance and policing and the Alfragide area is considered one of these run-down areas and where violent approaches are part of the community's daily life, however in 2017 the courage of a group of young black men challenged the silence and naturalization around police violence against black territories and for the first time, police officers were put on trial and, some, found guilty for the crimes of torture, assault and kidnapping against young residents of Cova da Moura. But, how can we see, the trial was criss-crossed by attempts to criminalise young people and rap was central to this game.

In February 2015, 17 agents of the Public Security Police (PSP) were accused of torture, kidnapping and assaults, motivated by racial hatred, against six young black people⁷ from Cova da Moura, in Amadora, Lisbon.

According to the formal accusation of the General Attorney's Office, police officers

of the PSP serving for the Police Intervention and Inspection Squad of Amadora offended their physical integrity and, racially motivated, treated the six victims in a vexatious, humiliating, and degrading manner. The incident occurred after the group went to the police station to enquire about a friend who had been detained in the neighbourhood a few hours before. However, they themselves ended up being detained and attacked by the police in a succession of beatings, kidnappings and humiliations that only came to an end 72 hours later.

closely related to the production of a logic that sees a black person as a foreigner, as not belonging to the nation and possibly not legally in the country.

The case took three years to come to trial and one year to reach a conclusion. Of the 17 defendants, eight agents were convicted of assaults and kidnapping, and the panel of judges ordered the payment of compensation to the victims. The “Alfragide case”, a reference to the name of the police station, became a paradigmatic case in the Portuguese context, not only for having put a never-before-seen number of police officers in the dock, but also for the conviction of police officers.

Despite the historical importance of this case, an analysis of the conduct of the trial (which heard more than 90 witnesses in 12 months) provides us with the materiality of how imaginaries associating criminality and blackness are expressed even in contexts in which black people are victims of state violence, as we shall see below, where rap seeks to criminalise young victims of police violence.

A mix of the attempt to speak openly about how race runs through that trial and at the same time to bring up elements that would demarcate the racial belonging of the youth (such as rap) demarcated the stance of the judges and defence lawyers of the police officers. Both on the part of the panel of judges and the lawyers for the police accused, the use of resources such as accusatory and incriminating arguments against victims and deponents is unconcerned with the possibility of victimization (when they have to reconstruct traumatic situations), creating an unwelcoming environment in the process of listening (something that was especially noticeable in the testimonies of women who witnessed the violations committed by police officers in the approach in Cova da Moura). A positivist approach from the judges and lawyers towards the victims, disregarding any historical-political context of the case, was recurrent in the trial, as in the testimony of one of the assaulted youths.

The judge begins by asking the deponent to describe what happened that day. The young man says he was heading to the Police Station to enquire about his friend's arrest and that he was prepared to do that because he had taken a course of non-violent communication at Moinho da Juventude Association of Cova da Moura. Since Moinho had a partnership with PSP, he believed he would be made welcome to talk. He invited a friend because he wanted him to see what it was like to engage in non-violent communication and that he could learn when it was necessary to do so.

Upon arriving at the police station, the young man says that he did not enter, he

stopped at the gate where there was a policeman and said: “I want to talk to the chief.” He says that the policeman shouted: “Malta, come here!” From that moment on, the young man said that around 10 police officers came at them. At this point in the testimony, the judge interrupts with an air of suspicion and says: “Sir, please, we are talking here about action and reaction. If the police acted that way, didn't you do something to them that could have made them act that way?”

The excerpt from the prosecutor's final indictment brings us face to face with the daily construction process of enemies and suspect bodies that are liable to extermination. This process is constitutive of the modern social order. Therefore, it is from this perspective that we would like to reflect on the criminalization of funk and rap and on the logic that reproduces the extermination of the black, indigenous, gypsy and Muslim populations.

For the purposes of this article, we would like to highlight some passages from the trial in which the defendants' lawyers questioned the young people who had been attacked in relation to their relationship with rap:

Defender of the accused police officers (DPO): Do you have a nickname?

Young Victim 1 [YV]: I have a stage name. LBC (Learning Black Conceptions)

DPO: Can you explain that?

YV1: Yes, (...) when I started studying, I didn't learn anything about the history of Africa, I started to study ... learning [about] black conceptions, black culture; “Fighting to achieve” in Creole is a motivating expression.

DPO: What about the song “Every poor is a soldier”?

Judge: It is assumed that it has contesting lyrics regarding the police force.

YV: I was never told that I was being stopped for my songs. I mean, every poor person like me is a soldja [soldier]. All poor people like me are soldiers who go out to fight every day. It's about my brothers and sisters who are struggling to survive.

DPO: Is it against the rule of law [LBC's music]. Are these songs used in Moinho?

Judge: what are you trying to do? (...) We already understand that it is neighbourhood culture, that [Flávio Almada] has influence with young people, but he is not being judged [here]. Keep in mind when this song was recorded, in his youth, he [however] received training. It was in 2011, 2012 that he recorded and published.

The defence asked the judge to translate the songs, but the judge rejected it. The line of argument of the defendants' lawyers was that that the young man, regarded as a reference by other young people, was inciting them to act against the police through his rap lyrics. In the following session, the attempt to criminalize young people through rap production was used again, this time against another young man victim of violence at the hands of police officers.

The defendant's lawyer asks about songs written by one of the young victims, whether the deponent had composed any rap lyrics and what the content was. The judge (apparently irritated by the insistence of this argument by the defendants' lawyers), explains that this is not an object of analysis because those defendants are not being accused of anything, but she herself rephrases the question in an extremely biased way:

Judge: Do you think the police is a necessary good?

Young Victim 2 [YV]: I think so.

Judge: So [Mr.], (...) how do you make songs that speak ill of the police and claim to take a non-violent approach to your work?

YV 2: I can't generalize an institution just because some individuals don't know how to fulfil their role.

Judge: But do they say bad things about the police?

YV 2: No. I speak of situations that I think are wrong.

Advocate for the accused police: But did you criticize the rule of law?

YV 2: I criticize situations that go wrong [...]

YV 2: I believed that I was able to mediate conflict with the police until that day.

Production of the imagination of a dangerous black subject necessarily passes

through the territory. Rap is part of this dynamic of criminalization by the State of manifestations of black subjects in certain territories. The criminalization of black people and their artistic expression allows the reproduction of the genocidal system through, for example, the legal support given to State agents involved in the violation of black people's rights (such as the shelving of investigations).

Finally, there is also a brief reflection on the final formal accusation of the Portuguese Public Attorney's Office in the "Alfragide case". In addition to dropping the accusation of racial hatred, due to not seeing sufficient proof of this, even though all six young people mentioned the language used by the police, they called them "black shit", "monkey", "you don't know how much I hate your race", the public prosecutor said that "it was not a trial of the PSP or the Alfragide police station, but only of 17 police officers", and in your opinion, the police version – that the youths tried to invade the police station and were detained for it, using "appropriate force" – can be understood by the "perception" that the agents had when they saw the offended arriving at the premises. "Those offended are outraged by what happened, mainly because of shots that had been fired at people in the neighbourhood. It's impossible for them to go with a calm air. I think the attitude was hostile, not peaceful." That's why he believes the agents feared that they were going to invade the police station (Marcelino 2019).

The search, throughout the trial, to reproduce an imaginary of young PSP victims as problematic people, having issues with the police (supposedly evident in the relationship of those young people with rap), was recurrent among the lawyers for the police, and even the judges when they tried to "protect" young people from the strategy of making victims guilty. The judgment ended up resulting in the reproduction of representations and imaginaries about Afro-descendant youth, intimately connected to the notion of "delinquency" that forges the imaginaries and discourses about these young people and music is one of the elements that would confirm the propensity of these young people to delinquency. As stated by Zafaroni and Batista:

"This leads to the public conclusion that delinquency is restricted to the subordinate segments of society, and this concept ends up being assumed by mistaken humanist thoughts that claim that poverty, poor education...etc, are the causes of crime, when in reality they are these. together with the penal system itself (...)." (Batista & Zaffaroni, 2003,48).

The insistence on the part of the judges to ask why the young people attacked did not ask for help, or why they went to the police station, or why they did not retreat when they noticed the police's violent behaviour, makes it evident that: 1) during

the trial, the reproduction was noticeable of a certain logic that totally ignored the possibility that what happened at the Alfragide police station was not an isolated case (which would even justify the youths going to the police station to see their detained friend); 2) the refusal to consider a certain vocabulary claimed by the black movement as institutional racism, insisting on treating what happened in the Police Station as outside any routine racist practices and institutions; and 3) the perverse role reversal, young people are transformed from victims into culprits.

4. Discussion: Construction of the Brutalization of Black Bodies

The relationship between the black body and the city in the formation of the imaginaries of countries such as Brazil and Portugal seems to be mobilized by the states from a gendered, sexualized, and racialized matrix. Slavery and the enslaved defined the spaces of the city that are still mobilized today in the sense of performing this past but rewriting, erasing violence. There is an intentional quest to erode the relationship between race, space, and memory, as Smith (2016) warns us:

“As the many places throughout the African diaspora, slavery played an important role in producing the social space in the colonial period, and it continues to delimit the nation-state. The politics of memory in Salvador often erases the memory of slavery and its brutal hauntings (Araujo 2012). Enjoyment of the city is literally mediated by this space, which is embodied by its past. As Perry asserts, “The racial of modernization and urban renewal informed by European models of development nurtures a nostalgic desire for the colonial past on the part of white Brazilians” (Perry 2013, xv). The ghosts of the Pelourinho mark the confluence of the commodification of black bodies and the torture of black bodies.”(Smith, 2016, p. 53-54).

In this sense, the criminalization of baile funk and rap represents the spectacularization of the masculine and patriarchal power of colonialism, inflicting on the black body the pain in forging a nation (Smith, 2015, p. 55) at the same time that it seeks to forget and erase this matrix under the which the nation is founded, moving paradoxically. The subpoena of DJ Paulão in Brazil in the '70s (and the reproduction of this practice by the police in the post-dictatorship period), and judgement of the rap lyrics of

young people by the PSP in Lisbon, shows how the presence of racialized populations within national states constitutes a central concern for governmental institutions.

The cases of the protests led by funk professionals in 1992, the arrests of MCs, the prohibition of dances, the criminalization of the use of WhatsApp by Rennan da Penha to warn about the arrival of the Military Police's armoured car and the attempt of young people in Alfragide to establish non-violent communication with the PSP reveals that acting in accordance with what is considered citizenship is a risk for black people. The relationship between citizenship and slavery puts us in front of the complexity of the Afro-paradise, where the celebration of what would be black culture is staged at the same time that racial boundaries are reaffirmed against black populations. Stanley draws attention to the impossibility of the existence of black aesthetic expression and citizenship evidenced in the prohibitions of drums (as well as "obeah" spirituality) (Stanley, 2021, p. 61) in Jamaica:

"Due to the class stratified status of Jamaica, citizenship is tied up with the politics inherited from enslavement, resulting in persons from the middle and upper classes who are largely the business class of owners with the means to generate wealth, influence policies and laws, that work in their favour. As such, access to the privileges of "citizenship" is denoted by "values" and "morals". It is therefore clear who the real citizens are and how their roles and privileges are reinforced or diminished" (Stanley, 2021, p. 63).

The criminalization of rap and funk show us the logic that operates in "circum-atlantic soviet", as Smith (2016) said societies where the past is constantly updated, recreated, and performed. In this sense, to understand apparently different realities, it only becomes possible to the extent that we suspend approaches centered on methodological nationalism, which in turn would make impossible the task of making the structural dynamics of violence, dispossession and brutality to which they are intelligible. submitted to black communities and everything that comes from there.

From a relational perspective, it is possible to ask ourselves for example, how is possible the criminalization of Baile funk, capoeira and rap goes hand-in-hand with its celebration by the global audiovisual industry? Or, how is the presence of black communities praised by both countries as proof of the harmonious relationship between the different racial groups in those societies (racial democracy and neo-

lusotropicalism)? Is there an apparently contradictory processes?

We would emphasize that anti-blackness is marked by the continuity of dispossession and subjugation cycles, and black bodies are categorized as abject beings and treated through state terror, from the approach of the libidinal economy marked by the dispossession of black bodies from the expressions of desires (and abjections) of non-blacks (Vargas, 2018, p. 12-13). In this sense, the black body is seen as a void to be filled by white people's feelings, values, and ideas, and in this process, the dispossession of the self as a commodity is central (reification and substitution/disability). In the video, we see that the presenter ignores the whole story of that boy, she does not see him as the bearer of a story, of family, or desires, but as a space devoid of meaning and from which she feels authorized to give meaning to that existence.

Saidiya Hartman (1997) shows us, through the example of the rape of black women in slavery as a common but unspoken practice, how racial formation and sexual subjugation went hand in hand. And in this respect, it is the same author who places the black experience from the perspective of the libidinal economy (accumulation, exchange, abuse) which therefore differs from profit (ibidem, p.33). In this sense, what defines the slave is not only labour, or the fact of working without being paid, but the condition of alienation, being exposed to dishonour and being socially dead (ibidem, p. 34), that is, bodies seen as an extension of the white slave, without autonomy, desire, only as merchandise. It is social death, therefore, that defines the condition of (non)being black in modernity, with this body constantly under gratuitous violence and state terror. In this sense, to be human is not to be black (Vargas 2017, p. 95), which leads us to conceive that we live in an anti-black world.

Our analysis is not about comparison, but an attempt to look at these contexts as a continuum of necropolitical logics that operate beyond nations. In other words, everyday violence practices in both contexts are part of a transnationally informed dynamic. The deeply connection between the practices in both countries point to the State terror is not just about the performative demonstration of violence but about disciplining that reiterates the proper place of the black person, reinforcing the racial and moral boundaries of the nation (Smith, 2015, p. 15). In this sense, even the discourses [and practices] that are not accompanied by acts of violence, the repertoire of this violence connect us to race (ibidem, p. 19). And in this context, the police have a central role in the maintenance of racial boundaries but always operate from performativity informed by white supremacy, classism and imperialism (ibidem, p. 43).

The centrality of policing is fundamental in both contexts and it is the most immediate response to the problems of social control that the development of urban-industrial

capitalist society generates. The security logic has been used to ensure that the black body, that the black sound disturbs “peace”, order and in this sense “make noise” or disturb the peace is a crime that must be punished (Stanley 2021, p. 61) but warns us Smith the performativity of everyday violence, the spectacle of state terror is not only translated into physical violence but into everyday, commonplace codes, looks, national symbols. In other words, violence against the black body is not limited to a time, or space, but constitutes a “genocidal continuum” (Smith, 2015, p. 17), as João Vargas pointed out, and in this sense, understood beyond the determination of a time and space but linked to other similar violent interactions (Smith, 2015, p.18).

The connections of criminal policy and its intrinsic relationship with everyday terror against black communities in Portugal and Brazil, whether due to the similarities of the discursive structures that justify criminalization and violence, or due to the way in which the penal state manages terror against black communities in both contexts, lead us to affirm that anti-black policies and discourses transcend the borders of these nation-states insofar as it is possible to perceive a dynamic of sharing legal-political and discursive frameworks between states about the “racial problem” and therefore this circulation of ideas and narratives at a global level condition the actions of states towards black communities.

A fundamental question that arises is what the fear of African aesthetics means, as Stanley (2021) makes us reflect “I’ve watched the black people have been silenced, arrested, and even killed for the noise they make. Black people aren’t more or less loud than anyone else, and yet the noise we make is feared, scrutinized, and made public. Understanding why there’s such a sensitivity—and fear—of black noise is a complex and intricate question that doesn’t supply a simple answer (ibidem, p. 58). Black music seems to be part of the layers of the palimpsest mentioned by Christen Smith. Drums are the materiality of black resistance since colonial times. In this direction, we can understand that the meaning of the drum for heterosexual patriarchal white supremacy is so strong and uncomfortable that the disconnect between drum/black music is intentionally constructed as an opposition to the city, to what it would be like to be a citizen (ibidem, p. 61).

5. Final Considerations

The criminalization of baile funk and rap leads us to problematize the terms in some (white) scholars discuss the relation between security policies and criminalization of black youth in black territories. Jurisprudence still seems to guide their actions based on the concept of racism as an aberration, exclusively engendered and reproduced in the minds of anti-democratic people and only in contexts where democratic

institutions are not fully functioning, leading to a legal understanding that it is incompatible with the Brazilian or Portuguese States. This paper stresses genocide and that racist institutional practices structure racism, implying, for instance, the denial of to certain groups based on race.⁸ In this sense, we understand that the different facets of the criminalization of the black body and everything that comes from it, is settled in modern societies under the binomial "disgust-desire", not which more important than eliminating black artistic production, is having control over it, is to make it separate from its matrix of first creation (alienation). In this sense, the differences expressed between extolling black production as a symbol of nationality (in the Brazilian case) or as proof of a cosmopolitan society (in the Portuguese case), seems to be amenable to interpretation via an approach of the libidinal economy.

The process of *resistance literacy* (Souza 2011) is when young black people produce counter-narratives about themselves and their community through artistic expression and practices that disrupt racist sociability and question the brutality of normality imposed on their experiences, expressed as violence and criminalization in the eyes of the police, the law and the media. In this process, black bodies and peripheral areas of the city are associated with violence, in the cities of both Rio de Janeiro and Lisbon, revealing articulations between the various institutions that make up the Racial State. In this context, public security policies promoted by the State seek to legitimize themselves by appealing to peace and social order, culminating in a permanent regime of exception to which the justice system subjects racialized populations. At the same time, whiteness appropriates or silences black culture for political purposes to support an illusory citizenship policy, as the (racial) security state has progressively adopted an intercultural discourse (Amparo 2018).

The "multiplicity of anti-black genocidal processes" (Vargas, 2010, 31) forces us to reframe, based on the understanding of genocide as a systematic and institutional practice of modern states (Flauzina 2006), processes such as the mass incarceration of the black population, the extermination of black and poor youth and the criminalization of black artistic expressions, as well as various policies (such as public security policies) based on another grammar that produces literacies forged in and for resistance.

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8. It is valid to point out that Brazil was condemned in 2006 by the Organization of American States (OAS) for having violated the American Convention on Human Rights and the Racial Convention by allowing a case of racism to be filed without even opening a criminal action. The case (which was considered in 1997) was a complaint against a domestic employee who was barred from a job vacancy in the city of São Paulo because she was black, but whose accusation was filed by the courts. The inquiry, conducted by the São Paulo justice system, was concluded in two weeks, without holding anyone responsible. At the time, the Public Prosecutor's Office recommended shelving the case as there was not "any act of racism" or "basis for filing a complaint" and the judge accepted the recommendation, filing the case even before it

became a criminal action (Penteado, 2006).

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