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INTRODUCTION

- ¹ This work is part of a developing research elaborated focusing on Latin America and argues that even without state incentives, the “funk” parties at São Paulo city happens successfully and sustain itself. Those dances are popular festivals that take place in local communities of the city without any formal infrastructure: on the street, with amateur sound (cheap equipment and singers often born in the community) and local unregulated trade. In fact, insurgent actions against official regulatory standards are created, tanking into account that those parties practices are not only are neglected (with zero financial aid) but also prohibited, forcing this type of popular culture outside of urban planning rules.
- ² The “funk” dances are known by the Latin musicality, African beats, drinks and a bit of hip-hop. Very popular in Brazil, it attracts thousands to the streets of periphery. The “funk” dances have spread through the city of São Paulo uniting communities and creating resistance movements; not only in the national level but also, Latin American authors are occupying spaces with “funk” internationally.
- ³ In this sphere, to argue about prohibition and urban regulation, we will use authors of cultural criminology that through the analysis focused on artistic repression provide a local panorama.

- 4 To prove this hypothesis, a case study is needed: the party known as "Baile da 17", which takes place in Paraisópolis community. Thus, through the confrontation between normative framework and alternative planning, we find illegal parties that unite local rationalities, not be subject to official regulation. This is one of the major findings of the investigation: own planning in territory not encompassed by official regulatory laws but, still, dialoguing with the market.
- 5 This research is presented in Brazilian delicate political moment, with many restrictions and repressions. Still, among the findings, we have an understanding of how, even with extremely prohibitive system, "funk" dances take place in São Paulo, confronting the system.

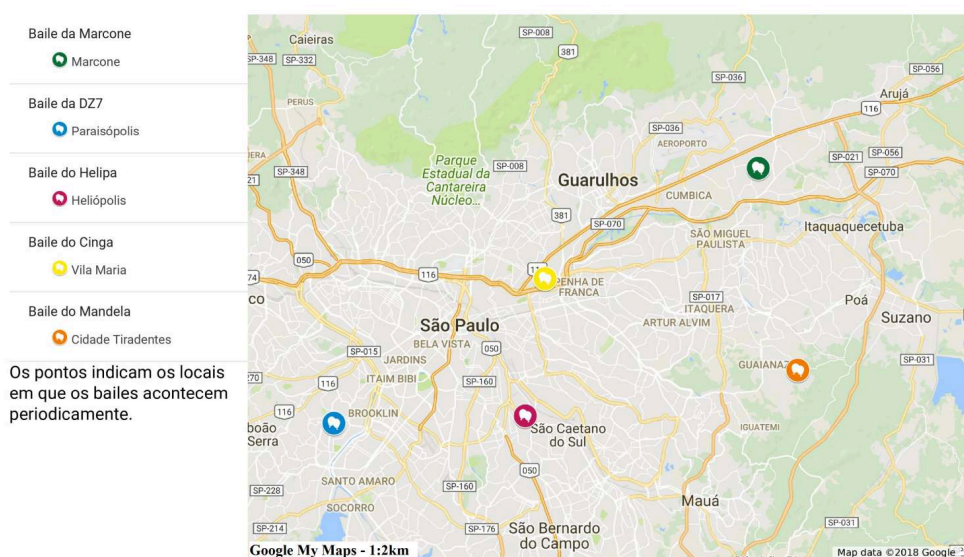
THE FUNK PARTIES IN SÃO PAULO

- 6 The funk (funk soul) is brought to Brazil in the 1970s, in the city Rio de Janeiro. In the following decade, the funk music of North American origin, already starts in his naturalization process, however, the most favored socioeconomic part of Rio de Janeiro still knew little of musicality "funk", as an Brazilian type of music. That style wins attention of the media only through the early 1990s as an characteristic of those who committed crime: bandits "funkeiros". For this reason, the occupation of public space by funk Brazilian music has always been linked to negativity: to break down barriers and present the ill society, talking about inequalities are characteristics of this musical type and, this, discomfort society (RODRIGUEZ; FERREIRA, 2011, p 416.).
- 7 Starting from the 1990s, we witness the raps whose beats became musicality Funk, making erotic music talking about power and domination linked to drug trafficking. As an example, the "DJ Malboro" is a precursor of the "tamborzão" in Rio. In this context, we have to emphasize the importance of the context of criminal gangs from the perspective of territorial domination and expansion within communities as music producers. The song is harnessed to power, marking territories and playing field (RODRIGUEZ; FERREIRA, 2012, p 418.).
- 8 The São Paulo's parties funk begins in the first decade in the new millennium; seizing the carioca rhythm and transforming it into an ode to consumption (ABDALLA, 2014, p. 12). From the funk "ostentação"², several parties with this theme emerged on the outskirts of São Paulo. Currently, the popular funk parties in São Paulo turned into commercial brands and starts to appear printed on T-shirts and caps. Part of the "Baile do Mandela", the "Baile da Dz7" or "Helipa" brings status to certain social groups, especially in the context of suburbs.³
- 9 The number of those parties has grown exponentially in the state capital even with repressions⁴. However, these police and political repression trying to delegitimize the pace as cultural production (pejoratively presented by the media as a vindication of music to crime and drugs) follow without success. Since the occupation of the PCC (criminal gang First Command of the Capital) in 2006, winning territory in the São Paulo slums, funk spread as popular demonstration (BIONDI, 2014, p.14), creating rules and land suitable for the operation of this type of artistic presentation making the unknown: to produce culture without state incentives, making the funk dances happen. The incentive gap is nourished by the sponsorship of the factions (FELTRAN, 2014), who perceive the state and failure are present. In this work it is not intended to point out how the gangs operate in Paraisópolis, but rather to investigate how,⁵

- 10 We treat here of marginal cultural production: production born dodging legal barriers and marketing hardships to enter, offering creative solutions (NASCIMENTO, 2011, p 06.). The biggest “bailes” of São Paulo, for example, are disclosed by funk music videos and movies. Against the current, do not use major media - the more orthodox as radio and television - for disclosure of events, but rather their own musicality that describes how and where are the dances occur. These songs territorial map how to reach the parties. They are local explanations and singularities described: to talk to, with whom hitchhiking and even for those who seek the necessary authorization so that you can attend the dances. The map below is an example of how, in terms of scientific production, how we can graphically elaborate the issue of the territoriality of funk dances:

FIGURE 1 – A MAP OF THE BIGGEST FUNK PARTIES IN SAO PAULO⁶

Bailes da Grande SP



Source: Own authorship using Google Maps software and considering territoriality information presented in audiovisual material related to São Paulo funk parties.

- 11 Despite the marginalization and stigma attached to this world, the identification of those who live in the community with the letters is undeniable. You can say it is music produced in the favela for the favela. Identification is necessary for "some highly disadvantaged minorities in the face of existence to survive, to be guided within a social structure, despite the very limited possibilities to act" (SHECAIRA, 2018, p 248.); and it is in this lens that the funk world wins the urban space.⁷

INSURGENT PRACTICES

Nessa perspectiva, entendemos os bailes funk como micro-território pelo fato de se caracterizarem por eventos efêmeros e transitórios, mas que se constituem novas formas espaciais que são apropriadas pela juventude, servindo de palco para as suas manifestações. Em tais espaços os jovens criam uma nova função às formas espaciais ao se apropriarem dos clubes e darem um significado particular tornando um micro-território de festa e diversão. (RODRIGUEZ; FERREIRA, 2012, p 419.).⁸

- 12 Funk parties, then, would take care of the community space, creating own organization and framework, discarding regulatory structures that officially exist and do not serve to the development of the organization of these dances. On this track, it is believed to be an relationship between territoriality and insurgent citizenship (HARVEY, 2013), in the effort to think about what might be called the "insurgent territoriality." The expression comes to mean the occupation of urban space in a unique way, inherent in the socio-cultural-economic context belonging to the funk-producing communities (VAINER 2011, p. 15). We see that it may have created legislation and behavior themselves to certain parts of the city that cannot be encompassed by planning. More than marginal, the territoriality herein may go against what the law provides for these spaces. The insurgence moves in the perception of denial, turning against the already stipulated by law (HOLSTON, 2013, p. 156). We walk, in terms of research and practice, in a resistance context and regional identity.
- 13 The failure of the way of living in the periphery (according to the economic system), the search for productivity typical of a neoliberal capitalist society, and unsuccessful planning in the big cities are recurrent themes of the lyrics of the melodies. In addition, linking clandestinity and territory with the view of state criminalization, we find the socioeconomically disadvantaged in the urban environments, pointing out that those that remain outside the legal framework of urban planning present a threat:
- Para a cidade, território marginal é território perigoso porque é dali, daquele espaço definido (por quem não mora lá) como desorganizado, promíscuo e imoral, que pode nascer uma força disruptora sem limites. Assim se institui uma espécie de apartheid velado que, se por um lado confina a comunidade à posição estigmatizada de marginal, por outro nem reconhece a existência se seu território, espaço/quilombo singular (ROLNIK, 2017, p. 206).⁹
- 14 There is an idea of epistemological rupture in which there is a perception of multiple languages (TANAKA, 2006). Practices against insurgents would try to transgress hegemonic time and space. Insurgent practices would be counter-hegemonic and try to transgress time and space. Despite being born in certain places, the search for identity, contesting the state of things, appears in several of the transgressive practices in the world, forcing changes.
- 15 The practice contains some militant planning and strengthening of popular action. The social action at the base, in this case represented by the Dance, has a common sense of city where these various dances happen that, from the new idea of presence and occupation of space, stimulates the city to advance from this perspective through confrontation.
- 16 The idea of urban criminalization is very present in this idea of insurgency of planning and territory. Conflict is crucial for these practices to emerge. It is also necessary to point out that even in open conflicts or not (physical removal or only struggle in legal areas), conflict is fundamental to the production of urban space.
- 17 Still, we have been able to observe the state as a central agent of illegalities when it amnesties the middle class that produces certain types of artistic manifestation but does not amnesty the poor black class of the periphery that produces street music.
- 18 In this sense we are dealing with cultural criminology: why criminalize certain artistic conduct and others not?
- At its most basic, cultural criminology attempts to integrate the fields of criminology and cultural studies or, put differently, to import the insights of

cultural studies into contemporary criminology (...). From this view, the study of crime necessitates not simply the examination of individual criminals and criminal events, not even the straightforward examination of media "coverage" of criminals and criminal events, but rather a journey into the spectacle and carnival of crime, a walk down an infinite hall of mirrors where images created and consumed by criminals, criminal subcultures, control agents, media institutions, and audiences bounce endlessly one off the other. (FERRELL, 1997, p. 396).

- 19 To deal with the regulatory framework and the legal implications involved, one enters the sphere of cultural criminology. Cultural criminology is part of critical criminology that questions why certain behaviors are considered crimes instead of questioning why certain individuals in the urban environment are criminals (SHECAIRA, 2018, p. 364-381). Through this academic chain of law, which is linked to criminal law, we can glimpse the regulatory framework of criminal law in its repressive context, in the following premise: funk music is criminalized not only by the criminal sphere but, also, by administrative regulations that, by their quantity, scope and frequency they end up blocking the popular manifestation (CYMROT, 2011, p. 22). These regulations intend to bar the regional expression brought by the aforementioned musical style.

"BAILE DA 17" AND CULTURAL CRIMINOLOGY

- 20 The "Baile da 17" happens in Paraisópolis, South zone of São Paulo. We will describe below a research that seeks to understand what Paraisópolis is and what its socio-cultural-urban context:

As favelas constituem, irrefutavelmente, uma realidade consolidada no meio urbano paulistano. Neste contexto, destaca-se a Favela de Paraisópolis, com uma área de aproximadamente 80 ha e uma população estimada entre 43 (IBGE, 2010), 55 (SEHAB, 2011) e 100 mil habitantes⁷, o que a torna a segunda maior favela do município, depois de Heliópolis, e a oitava maior do país.

A Favela de Paraisópolis é eleita como recorte espacial por congregar uma série de fatores e características que contribuem com a discussão e o desenvolvimento da pesquisa de mestrado, que visa entender, experimentar e propor seus interstícios urbanos, buscando contribuir para sua qualidade ambiental, urbana e social.

Em primeiro lugar, Paraisópolis é, definitivamente, um assentamento informal consolidado. Consolidado no que diz respeito aos materiais e técnicas construtivas empregados, na diversidade de atividades desenvolvidas, no caráter de permanência da população em uma mesma moradia ou na mesma área, na oferta de serviços e infraestrutura urbanos, na sua existência como um organismo urbano simbiótico, embora também, em certa medida, autônomo. (PIZARRO, 2014, p. 100).¹⁰

- 21 The research developed up to this point brought us the idea of insurgent planning and the affront to urban laws of the city. This regulatory frame do not cover all the existing territories in São Paulo and, therefore, are disrespected. The community Paraisópolis therefore fits that search for housing funk.
- 22 To date, the researcher did not conduct field research until the "Baile da 17". As this research is still under development, the analysis is focused on audiovisual material and specific bibliography on the themes exposed, trying to answer the following question: how funk music can map the city? Also, as the media and official organs of the city of São Paulo has been handling the Baile of 17?
- 23 The first question was answered. The second one will now be elaborated: at these parties, the street cars, street vendors and the dancing public take care of the ways through which cars were traveling. The great media reports these events (since the

dances are periodical) as of extreme "savagery" or, also, describing them as disconnected from the real use to be given to a certain public space:

Esquecido pelas autoridades, o Baile do DZ7 completa oito anos e a Comunidade de Paraisópolis, na Zona Sul de São Paulo, se transforma em terra sem lei. Mais uma vez, sem nenhuma ação da PM, os moradores foram obrigados a passar a noite em claro na sexta-feira, no sábado e no domingo, apesar de todos os alertas feitos pela BandNews FM. A festa, que reúne mais de 10 mil pessoas na Rua Ernest Renan, cresceu e, agora, é até transmitida ao vivo por redes sociais, como o Facebook e Instagram. Os veículos, que antes abrigavam o som nos porta-malas, passaram a contar com os chamados "paredões" - caixas empilhadas que superam os três metros. (FERNANDEZ, 2018)¹¹

- 24 The mainstream media has been reproducing the irregular and clandestine discourse of "Baile da 17". From a regulatory perspective, we can also understand that the behavior reinforces administrative and criminal norms that prohibit or hinder the extreme cultural events in the outskirts of the city.
- 25 It criminalizes itself not only a popular artistic manifestation of street; the "Ball of 17" is treated as a social anomaly by a certain part of society. On the other hand, it is suitable and nurtures real needs of leisure and entertainment in an extremely poor region of cultural incentive.
- 26 Considering that the public space is to be occupied and meets local needs, it seems appropriate to the reality of the Paraisópolis Community (THERY; MELLO-THÉRY, 2014, p.253). Of course: if the usual means of entertainment do not have state subsidy, they remain financially infeasible. The cost of renting equipment, renting private space for large capacity events (taking into account that "Baile da 17" has an average participation of 3 thousand people) and the authorization of the fiscals that evaluate the security of the space, are exorbitant expenses that would make the performance of the Ball unfeasible. Besides that there is a disconnection with the purpose of urban regulation: a regulation that does not understand the needs of the urban peripheries of the city of São Paulo must be obeyed for what purpose? To serve whom? They are rules that do not cover the territory in question and, therefore, are ignored in order to give space to a proper planning that fits the space.
- 27 This lack is increasing in the Brazilian scenario: less and less governmental programs that stimulate cultural leisure activities in the peripheries are offered. The urban periphery is increasingly affected by neglect of management; being criminalized and stigmatized as inadequate.
- 28 Inadequacy that masks the real urban problems: do not discuss drug policy, urban infrastructure, regional planning, housing deficit and education. If the justification for the admiration and penal sanctions of dances is the use of narcotics, loud noise and children attending the Ball, we must understand that the motives mask the inertia of the State.
- 29 There are no other entertainment alternatives. There are also no policies focused on the urban outskirts of the city. There is no public power dialogue with the communities of the giant São Paulo.

THE TERRITORIES UNDER CONSTRUCTION BY THE MARKET PRACTICES

- 30 It is important to note that the local market supports the funk dances that take place in Brazil. This perspective is fundamental to understand how despite the criminalization the dances happen in the country. Thus: despite the state-criminalized parties, there is a neoliberal platform that manages to maintain it. Sure; if we are talking about local commerce in the dances we are talking about consumption in territory not covered by the legislation and official state incentive. Unofficially, the market logic operates and the dances manage to sustain themselves.¹²
- 31 This would be explained by the conception that from the nineteenth century we are experiencing a deep crisis of capital: we have capital but there is nowhere else to invest so that it can continue its cycle and reproduce itself in the same magnitude. As the state has no chance to regulate itself financially, capital must expand by colonizing everyday life, spreading throughout the planet, extrapolating production beyond the factory. Thus, social relations in this context are encompassed (CHESNAY, 2005, p.37).
- 32 In this crisis process, there is difficulty in guaranteeing valuation, and then there is the search for forms other than those of profitability that are commonly established. One way is to transform what was collective in private: that they can be commodified.
- 33 Through this point of view, we are witnessing two policies that crush human rights. On the one hand the state criminalizes the peripheral black population, extinguishing the dances. On the other hand, the label sells the funk songs for youngsters of middle and upper class. It is a rights-reducing process that incorporates marginal production and resells it. In this way, the profit with the funk does not go to the peripheries, only for the Market of higher classes.

CONCLUSION

- 34 The article emphasizes how street movements of the periphery are criminalized and, even sanctioned, it happens. To demonstrate this hypothesis, we used the case study of "Baile da 17". The Dance takes place in the city of São Paulo, and this analysis is applicable to the Latin American context of urban occupation and musicality.
- 35 In short, the work highlights how the dances of the capital of São Paulo have enormous dimensions and with their own organization of the territory they manage to organize events of great magnitude. It also denounces the lack of dialogue between the current legislation and the local communities, forcing insurgent planning and territoriality, walking on their own, confronting the official rule.
- 36 Furthermore, we emphasize that governance must change the position traditionally adopted, focusing on learning from community organization, breaking free from this repressive and moralistic perspective, moving towards a horizontal dialogue

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NOTAS

1. This work is the result of research in development during a post graduated course in the Law School of the University of São Paulo. It is a research inserted in the master's work under the title "Cultural Criminology: a Latin American perspective" and was argued at the 23rd Latin American Social and Public Policy (LASPP) Conference, on 29 and 30 March 2019 at the University Pittsburgh, USA.
2. The funk “ostentação” became known and named by the lyrics that speak of the fascination of conquering material goods, and sung in funk music (CYMROT, 2011). Source: Mc Leo da Baixada part. Mc Daleste. “Ostentação for a do normal”. Sao Paulo. 2012. 4min13s. ; MC Guime. Plaque de 100 Produção: DJ Wilton. São Paulo. 2012. 2min55s.
3. Product sites related to famous funk music or even phrases often spoken by Mc's. Source: Official Store “Mandella”. Mandella CAP MESH WITH SCREEN, BLUE BABY. Available in :<https://www.mandellaofc.com/bone-mandella-branco>. Accessed on July 10, 2018; Official Site of Cyclone. Hat velvet Noble CYCLONE. Available in:<https://www.cyclone.com.br/bone>. Accessed on July 10, 2018; KondZilla Wear, the official store of the largest music channel in Brazil. Shirts. Available in: <https://loja.kondzilla.com>. Accessed on July 10, 2018;
4. G1, O PORTAL DE NOTÍCIAS DA GLOBO. Police search criminals carrying guns appearing in baile funk in the North Zone of Rio. Available in: <https://g1.globo.com/rj/rio-de-janeiro/noticia/2018/07/23/policia-busca-criminosos-que-aparecem-carregando-fuzis-em-baile-funk-na-zona-north-of-the-rio.shtml>. Accessed on July 27, 2018; WEBDIARIO (BLOG). Municipal Guard of Itapevi ends funk. Available in: <http://www.webdiario.com.br/noticia/20150/guarda-acaba-com-baile-funk>. Accessed on July 27, 2018;
5. The funk movement here differs from funk music, already consumed by all socioeconomic classes of the capital – and country.
6. Source: Funk musics. Mc Lan; Mc Nando DK; Mc Nando Dk. *Cheiro de Piranha*. Label: XL. 2018. São Paulo.3min10s; Mc 2K. *Ou tá na Marcone ou tá no Helipa*. 2017. São Paulo. 2min10s. ; Mc 2k. *Helipa do Mau*. São Paulo. Label: DJ Mano. 2017.2min49s. ; Mc Kitinho. *Ui que maravilha*. São Paulo. 2018. 2min38s.
7. The theory of delinquent subculture is used by criminology, sociology and anthropology. It is a theory that believes that crimes committed by certain groups (gangs) are a way to present their own identity to the world before the clash between the local culture and social structure that does not provide equal access to social benefits for all.
8. In English: From this perspective, we understand the funk dances as a micro-territory because they are characterized by ephemeral and transient events, but that constitute new spatial forms that are appropriate for youth, serving as the venue for their events. In such spaces young people create a new function to the spatial forms to take ownership of clubs and give a particular meaning making micro-territory party.
9. In English: For the city, marginal territory is dangerous territory because it is there, that defined space (for those who do not live there) as disorganized, promiscuous and immoral, which can rise to a desruptora force without limits. Thus establishing a kind of veiled apartheid that, on the one hand abuts the community of marginal stigmatized position, the other does not even recognize the existence to its territory, space / singular quilombo
10. In English: The favelas are irrefutably a consolidated reality in the urban environment of São Paulo. In this context, the Favela of Paraisópolis stands out, with an area of approximately 80 ha and an estimated population between 43 (IBGE, 2010), 55 (SEHAB, 2011) and 100 thousand inhabitants⁷, making it the second largest favela in the municipality, after Heliópolis, and the eighth largest in the country. The Favela of Paraisópolis is chosen as a space cut because it brings together a series of factors and characteristics that contribute to the discussion and the

development of the masters research, aiming at understanding, experimenting and proposing its urban interstices, seeking to contribute to its environmental, urban and Social. Firstly, Paraisópolis is definitely a consolidated informal settlement. Consolidated with respect to the materials and construction techniques employed, the diversity of activities developed, the permanence of the population in the same dwelling or in the same area, the provision of urban services and infrastructure, its existence as a symbiotic urban organism, although also, to some extent, autonomous. (PIZARRO, 2014, p.100).

11. In English: Forgotten by the authorities, the DZ7 Ball is eight years old and the Community of Paraisópolis, in the South Zone of São Paulo, becomes lawless land. Again, with no action from PM, residents were forced to stay up all night on Friday, Saturday and Sunday, despite all the warnings made by BandNews FM. The party, which gathers more than 10,000 people on Ernest Renan Street, has grown and is now even broadcast live on social networks such as Facebook and Instagram. The vehicles, which previously housed the sound in the trunk, now have the so-called "walls" - stacked boxes that exceed three meters. (FERNANDEZ, 2018)

12. Here, we do not seek to enter the subject about operations and control of the territories operated by trafficking since the depth of the matter requires specific debate on the issue. However, necessary to point out that the legal trade this research includes and recognizes the profit made by such illegal activity.

RESUMOS

O trabalho analisa sob a perspectiva da criminologia cultural como os bailes da cidade de São Paulo são realizados mesmo sem incentivo estatal: pelo contrário, apesar de administrativamente e penalmente sancionados os bailes reúnem milhares de pessoas nas comunidades da Grande São Paulo. Para demonstrar a hipótese foi utilizado o estudo de caso do "Baile da '17'", que acontece em Paraisópolis, se apresentando enquanto planejamento e territorialidade insurgente. Dentre as conclusões, temos a falta de financiamento estatal que força as comunidades locais a adquirirem regulação e modo de funcionamento territorial próprios, lutando contra a lei e mercado.

Le travail analyse, du point de vue de la criminologie culturelle, comment les danses de la périphérie de la ville de São Paulo se réalisent même sans incitation de l'État: au contraire, bien que sanctionnées administrativement et pénalement, elles rassemblent des milliers de personnes dans les communautés de São Paulo. Afin de démontrer cette hypothèse, une étude de cas du "Baile da 17", qui a lieu à Paraisópolis, a été utilisée comme planification et territorialité insurgés. Dans les conclusions, il y a le manque de fonds publics qui oblige les communautés locales à se doter de leur propre réglementation territoriale et de leur propre mode de fonctionnement, luttant contre le droit et le marché.

El trabajo analiza desde la perspectiva de la criminología cultural cómo se realizan las danzas de la ciudad de São Paulo, incluso sin incentivos estatales: por el contrario, aunque sancionado administrativa y penalmente, las danzas reúnen a miles de personas en las comunidades del Gran São Paulo. Para demostrar la hipótesis se utilizó el estudio de caso de la "danza de la 17", que tiene lugar en Paraisópolis, presentándose como planificación y territorialidad insurgente. Entre las conclusiones, tenemos la falta de fondos estatales que obligan a las comunidades locales a adquirir su propia regulación y operación territorial, luchando contra la ley y el mercado.

The paper analyzes from the perspective of cultural criminology as the dances of São Paulo are carried out even without state incentives: on the contrary, although administratively and criminally sanctioned dances bring together thousands of people in the communities of Greater São Paulo. To demonstrate the hypothesis we used the case study "Ball of '17", held in Paraisópolis, appearing as planning and insurgent territoriality. Among the conclusions, we find a lack of state incentive funding that forces local communities to acquire their own territorial regulation, fighting law and market.

ÍNDICE

Mots-clés: droit urbanistique; critique de la loi; L'Amérique latine; dance-funk; territorialité insurgé; planification des insurgés; São Paulo.

Keywords: urban law; criticism of the law; Latin America; funk party; insurgente territorial; insurgent planning; São Paulo.

Palabras claves: derecho urbano; crítica de la ley; América Latina; danza-funk; territorialidad insurgente; planificación insurgente; San Pablo.

Palavras-chave: direito urbanístico; crítica do direito; América Latina; baile-funk; territorialidade insurgente; planejamento insurgente; São Paulo.

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