

VICTIM MANAGEMENT AND THE POLITICS OF PROTECTION: BETWEEN “FAZER DIREITO” AND “DIREITINHO”

ENTRE “FAZER DIREITO” E “DIREITINHO”: GESTÃO DE VÍTIMAS E AS POLÍTICAS DE PROTEÇÃO

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Abstract

In this article, I argue that in the context of institutional violence against sex workers in Brazil, the state does not do what it should; it goes out of its way to do what it shouldn't. I refer to this way of acting as *fazer direitinho*, or the state's use of bureaucratic processes and loopholes to promote its own interests by silencing victims of its violence. I contrast this with sex worker activists' efforts to *fazer direito*, uncovering what happens when “victims” resist, and advocate for the state to act in the name of justice, rather than its own interest. Drawing on extensive ethnographic research and recent theoretical work on penal state policies and victimhood, I propose the term *victim management* as one that encapsulates processes and mechanisms through which the state creates victims that it is willing to protect.

Keywords: Prostitution. Sex Work. Institutional Violence. Policing. Victimization. Activism. Anthropology of the state.

Resumo

Neste artigo, eu argumento que no contexto da violência institucional contra prostitutas no Brasil, o estado não faz o que deve; ele faz o possível para fazer o que não deve. Refiro a essa forma de atuar como “*fazer direitinho*”, ou, a forma que o estado manipula seus processos burocráticos para promover seus próprios interesses e silenciar vítimas de sua violência. Contrasto isso com os esforços de prostitutas para “*fazer direito*”, desvelando o que acontece quando vítimas resistem e tentam obrigar o estado a atuar em nome da justiça, ao invés de por seus próprios interesses. Baseada numa pesquisa etnográfica extensa e trabalhos teóricos recentes sobre políticas penais do estado e vitimização, proponho o termo *gestão de vítimas* para referir os processos e mecanismos pelos quais o estado cria vítimas que ele dá conta de proteger.

Palavras-chave: Prostituição. Polícia. Trabalho sexual. Violência institucional. Vitimização. Ativismo. Antropologia do estado.

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July 18th, 2014. Santos Dumont Airport, Rio de Janeiro. I was waiting for Isabel¹, a sex worker whose life was at risk due to her public denunciations of police violence. We were on our way to Brasília for a meeting to evaluate her eligibility for the Protection Program for Human Rights Defenders (PPDDH – acronym in Portuguese) – a federal program established to protect people who defend human rights in Brazil. She was late and I was nervous. When she finally appeared walking down the long corridor of the recently renovated airport, the first thing I thought was: “we’re screwed”. She looked beautiful. She was fully made-up, wearing the new clothes colleagues had bought for her, had a French manicure, and wore a gold necklace, earrings and a ring. I imagined that in the eyes of the state, she would seem a *puta*², as opposed to a victim. I was concerned that in the case of securing state protection in Brazil, not playing the role of the victim might be costly. Looking like a *puta* even more so.

In May of 2014, an illegal and violent police operation left Isabel and hundreds of other sex workers without a job, place to work, and place to live. I met her a few months before the raid as part of my close collaboration with the sex worker rights organization Davida and the Prostitution Observatory (*Observatório da Prostituição*), an extension project of the Metropolitan Ethnographic Lab – LeMetro in the Institute for Social Sciences of the Federal University of Rio de Janeiro (LeMetro/IFCS-UFRJ). My accompaniment of her trajectory with Davida and the Prostitution Observatory forms part of ethnographic research I’ve conducted on sex work activism in Brazil since 2004, with an intense period from 2011-2014 as part of my doctoral research in the Medical Anthropology track of the Sociomedical

¹ Name changed to protect her identity.

² I use the word *puta* rather than its literal translation “whore” because in Brazil the word has multiple meanings both politically and in daily life that are important to maintain for the context of this article. While largely derogatory, like the word whore in English, members of the sex worker movement in Brazil have advocated for reclaiming the word to attack the stigma surrounding prostitution (See for example, Gabriela Leite – *Filha, Mãe, Avó e Puta* [Daughter, Mother, Grandmother, Whore]. As Jose Miguel de Olivar (2014) argues, the word is also different from prostitute in important ways. *Putá*, as further discussed in this article, is a subjectivity embodied by women, prostitutes or not, in an especially transgressive way that rejects categorization and subverts gender and sexuality norms. The word can also be used as an adjective, in a negative sense to describe being angry, or, also be used to denote something that was very good, like a “*puta festa*”, or, a bitchin’ party.

Sciences Department at Columbia University in New York. My fieldwork during this time period was in Rio de Janeiro, Corumbá, and Belém, and here, I present work primarily from 2014 in Rio de Janeiro and Niterói, the city across the bay from Rio.

The ethnographic research presented in this article explores how the state manages a victim of its own violence. I trace what happened as Isabel and her colleagues sought protection and reparation for all they’d lost on the day of the May police raid. In doing so, I examine the mechanisms through which the state punishes *putas* and manages its victims. I focus on the processes that activist and diverse branches of the state navigate to secure their respective interests. Far from a homogenous and well-coordinated apparatus of unified social actors, I engage with a state that is heterogeneous, complex and enacted by diverse social actors. Building on Adriana Vianna’s work with the mothers of children killed by police in Rio de Janeiro’s *favelas*, I look carefully at the moments when the state decides whether or not to act, and *how* it acts when confronted with victims of its own violence (VIANNA et al., 2011). I propose the use of *victim management* as a term that incorporates Antonio Carlos Souza Lima’s (2002) conceptualization of the Brazilian state as one that manages its subjects, and in doing so, “teaches how to be” (16).

The *fazer direito* and *fazer direitinho* framework attempts to capture how these complex dynamics operate in the contexts of prostitution, activism and institutional violence. The verb “fazer” connotes the process of doing and making, which as anthropologist Adriana Vianna notes in the edited volume, *O fazer e o desfazer dos direitos* (The making and unmaking of rights), makes it especially productive for capturing and studying the iterative social processes through which rights claims are made and managed by the state (VIANNA, 2013). Vianna defines the term *fazer direito* as a “way of denouncement, vindication, protest” (2013: 21). In addition to right, as in correct, *direito* in Portuguese also means a right, as in human rights, and the law, in the sense that law students study *direito*. In this article, I use the term *fazer direito* in the context of sex worker activism to refer to the struggle led by sex workers for their rights and against victimization. The social movement of sex workers in Brazil was born out of advocacy to *fazer direito* in protests

against police violence in São Paulo in the 1970s, their protagonist role in confronting the AIDS epidemic in the 1990s and 2000s, and having sex work recognized as an official occupation by the Brazilian Ministry of Labor and Employment in 2002.³ This article provides insight into what activism to *fazer direito* in the context of police violence looks like today.

Fazer direitinho is the opposite; it is doing things in a way that impedes access to rights, rather than protecting them. An expression uttered in various contexts, *fazer direitinho* literally is the diminutive form of “do things right” and implies doing things in accordance with what is expected, not necessarily what is “correct”. I use the expression to refer to the state’s use of its own bureaucratic processes and loopholes in a way that promotes its own interests by silencing victims of its own violence. Although this article primarily focuses on the police and justice system, the *fazer direitinho* way of operating permeated the health sector as well. In fact, the moment when the phrase went from being an expression to an analytical construct was in a Corumbá municipal health council meeting in August 2013. At the meeting, a representative from the Municipal Secretary of Health was arguing that civil society representatives of the council were not following the health council’s statute rules correctly in their decision to elect an indigenous rights representative as president. Expressing her concern that other government officials would not look favorably on his election due to his reputation as a troublemaker, she said, “let’s *fazer direitinho* to not have any problems later”. This was the first time she had spoken in the meeting. A blonde woman in her mid 30s, she was wearing expensive clothing that only someone who travels in air-conditioned cars would dare to wear in the Corumbá heat. Prior to this statement, she had sat quietly, looking only at her iPhone and not interacting with other members of the council.

As I watched her ruffling through the pages and pages of the statute, I wondered why she worried that the indigenous, HIV positive, labor union and LGBT activist

³ Sex work is recognized as an official occupation in the Brazilian Classification of Occupations (CBO – acronym in Portuguese). This means that sex workers who register with the state can have access to social security and benefits as autonomous workers (such as workers compensation and retirement). Prostitution is not however regulated as a profession, as all third party activities surrounding prostitution (e.g. earning profits off prostitution and maintaining a house of prostitution) remain criminal offenses.

members of the Council would run into bureaucratic trouble. It occurred to me that “*fazer direitinho*” was not necessarily about following rules. In this case, it was about interpreting the rules in such a way as to block the election of a person she knew would cause problems for the Municipal Health Department. I use the term in this article to explore similar processes of the state manipulation of bureaucratic processes to protect their own interests.

Between Protests and Punishment

On April 16th, 2014, more than 200 sex workers demonstrated in the streets of Niterói, the city across the bay from Rio de Janeiro, to protest the illegal arrests of their colleagues on April 1st. A total of 11 women had been arrested, 2 who stood accused of sexually exploiting one another and then imprisoned in a Rio de Janeiro maximum-security prison⁴. The protest was the largest of its kind in decades, and the second time in just two weeks that sex workers had protested in the city. I participated in the April 16th protest and maintained contact with several of the women over the next few weeks through my work with Davida. They all worked at the building, *Nossa Senhora da Conceição* (Our Mother Mary of Conception), a primarily residential building in the center of Niterói, popularly nicknamed the *Prédio da Caixa* because it is right next to the bank *Caixa Economica*. Approximately 400 sex workers rented rooms in a variety of arrangements on five of the eleven stories of the building.

Slightly over a month after this large April 16th protest, and three weeks from the opening game of the World Cup, I received a phone call from one of the sex workers that the building had been invaded. Clearly afraid, she said that the building was full of hundreds of heavily armed police officers who were breaking down doors, arresting, raping, and robbing women. I had been at the building that morning for a meeting, and immediately went back. When I arrived, I was shocked that the building was the same place that I had left just several hours earlier. Yellow police tape blocked off the

⁴ Article in *O Dia* newspaper regarding the arrests and sex worker protests of them: <http://odia.ig.com.br/odia24horas/2014-04-02/prostitutas-param-o-transito-por-uma-hora-na-avenida-amaral-peixoto-em-niteroi.html>

entire front area, and dozens of heavily armed police officers guarded the entrance while hundreds of people on the street stopped to see what was happening. The building's lobby was full of sex workers wrapped in sheets to cover their faces and hide from the press. Many were crying and terrified of what was going to happen; their apartments had been destroyed and their belongings looted.

Approximately 120 women were arrested (without warrants) and taken in 6 separate bus trips to the police precinct down the street. They were paraded in, not told why they were there or permitted to leave, and held for questioning about how prostitution operated in the building. Outside the precinct, women told me about colleagues being sexually assaulted by officers and robbed during the raid. Several mentioned being physically abused, and those of us in the precinct entrance even heard one of the police officers justify hitting one of the women because, "she was very *nervosinha*" (nervous and hysterical). The women's police precinct (which was in the same building as the precinct responsible for the raid) refused to register a complaint about what happened. A Brazilian Bar Association attorney requested to accompany the women's statements and a police officer told him, "don't pick a fight that isn't yours".

Hundreds of women lost their places of work and homes as a result of the raid. The apartments used for prostitution were marked as crime scenes with yellow police tape that said, "Crime Scene. Do not Cross". The police posted condemnation notices on apartment doors that stated they were being condemned due their "terrible state of conservation" and "confirmation of the use of the location for criminal practices". Many of the doors had been destroyed during the raid, so they could no longer be locked and protect the few belongings that remained after the raid.

Several small protests occurred over the next week. At a previously planned public hearing on the Monday following the police action, sex workers from the building denounced what had happened and affirmed their desire and right to work. I later learned that the city council building's security guards warned them to "be careful" about what they were saying or "there might be consequences". Many women went to work in other areas of the city when they realized that the building was not

going to immediately reopen, yet a small group continued to actively denounce the violence and work to reopen the building. Institutions supporting the women, including Davida, the Prostitution Observatory and political offices such as Federal Deputy Jean Wyllys' mandate⁵ and The Human Rights and Women's Rights Commissions of the State Legislature of Rio de Janeiro got involved and organized a public hearing during the first week of June.

The public hearing focused on the scope of the abuses and the illegality of the police's actions. Isabel publicly denounced what happened, speaking openly about the extent of the police violence. The state public defenders' office and Brazilian Bar Association also confirmed the illegality of the condemnation notices and the entire police operation⁶. They detailed how the judicially authorized goal of the police action was only to "search and seize" items related to open investigations in the building and that there were no warrants for the sex workers' arrest⁷. The condemnation notices were illegal; it is not the police's role to condemn apartments, and the building had yet to be inspected by the city's civil engineers for structural safety. I was later informed, however, that the judge allegedly told the police chief responsible for the raid to do "whatever necessary" to get what he needed. The interest in evicting the sex workers from the building and subsequent impunity of the police for their actions thus appeared to be tied to mutual interests in ridding the building of prostitution, not just the crimes being investigated.⁸

5 Jean Wyllys has been one of the only Federal Congressmen to openly support sex workers and proposed the "Gabriela Leite Bill", a bill to decriminalize houses of prostitution and take steps towards the profession's regulation.

6 The police precincts in Brazil have power to independently lead their own investigations, yet they need judicial authorization for "search and seizure" operations such as that carried out in Niterói on May 23rd. Only the precinct responsible for the raid received authorization under a broader investigation, initially started by Rio de Janeiro's Public Ministry at the end of 2013.

7 Prostitution is legal in Brazil for those 18 and older, yet any third party involvement is a criminal offense. Pimping (profiting off the prostitution of others), having a prostitution establishment, and incentivizing or encouraging someone to enter into prostitution or seek prostitution services remain illegal in the country's current penal code.

8 Prostitution in the building appeared to bother the state not only on moral grounds, but also because of real estate development projects in the area. The building is located in downtown Niterói in a part of the city being "revitalized" as part of the project, "Revitalization of the Center of Niterói". The project is run by the mayor's office with the motto, "The Center that We Want" and encapsulates five neighborhoods with

Clara Prazeres, the public defender responsible for defending the women, stated at the public hearing, “there was no legal motive, but perhaps in their head there was a moral motive...[a justification] which I sincerely disapprove.” She continued asking if, “it is the state’s role to protect, or is “protection” for the state ending that which bothers it?” Prazeres later commented to me in an interview that all of the illegal actions were done behind what she called a “curtain of legality”. The curtain of legality, combined with the “by any means necessary” mentality, is exemplary of the *fazer direitinho* approach. Prazeres’ observations are consistent with those of Paul Amar (2009) whose studies of Brazil’s security policies since the early 2000s shed light on what happened in Niterói. Through his analysis of “Operation Princess”, a police campaign with broad political support launched in 2003 to purportedly fight sex trafficking and sexual exploitation of minors in Rio de Janeiro, Amar traces the historical processes of moralization and militarization within the police forces of Rio de Janeiro:

Moralization and police militarization are, of course, not inherently linked phenomena, but they have become contingently bonded in Brazil as the police have found it useful to deploy media-friendly ‘quality of life’ mobilizations and public morality ‘blitzes’ rather than to embark on internal reform or face down militias and corruption within their own ranks (2009: 516).

Amar’s analysis has many parallels with what happened in Niterói. Rather than fight crime, Operation Princess unleashed rampant state violence against sex workers, and intensified and uncovered police corruption and the police’s entrenched involvement in running prostitution businesses in partnership with vigilante networks called *milícias*⁹ (militias). As Amar notes,

the goal of “bringing back the prestige lost over recent decades”. In addition to being in the geographical area targeted by this program, the building is also next store to the area site for a new Secretary of Justice building. The construction is also part of the same project that is “revitalizing” the port area of Rio de Janeiro in preparation for the 2016 Olympics. The real estate value of the area is thus increasing at the same rate that the urban clean-up policies progress. More information: <http://centro.niteroi.rj.gov.br/oprojeto/ocentroquequeremos.php>

⁹ Militias are vigilante networks generally composed of former police officers and purport to provide security and protection against other criminal networks. Yet as the relatively little research on them has found, the lines between the uniformed police officers and militia, and

in such contexts the morality component of the police actions serves to divert attention away from deeper issues within the police forces, such as corruption and/or power disputes with the militia.

In the case of Niterói, the extent of the interests driving the sex workers out of the building and impunity for the police became even more clear when Isabel, the most outspoken sex worker, was kidnapped, beat and cut with a razor blade, showed photos of her children being dropped off at school and told that if she didn’t stop talking to the press about what happened, both she and her children would suffer the consequences. She assumed those threatening her were from the police, but wasn’t completely sure. She went immediately to the precinct to report what happened, yet the police did not open an investigation – they registered it as a misdemeanor, meaning that no investigation would ensue. After meeting with organizations supporting her case, Isabel decided to go public with the threats to the media, although she did not show her face or use her name. The threats, however, did not disappear, and in fact, increased in intensity after the police chief responsible for the raid and investigation tricked her into revealing information that he then used without her permission to incriminate the militia networks that allegedly operated in the building.

Feeling threatened as much by the police as the militia, Isabel felt she had nowhere to turn. She could not stay in Niterói or return to her home address out of fear of placing herself and family at risk. Aware of the seriousness of the risks she was facing, the public defender’s office offered her the option of a woman’s shelter. Established for victims of *domestic*, rather than *state* violence¹⁰, the shelter was only a viable option because a representative from the Women’s Rights Commission at the state legislature was able to negotiate an exception in Isabel’s case. Yet Isabel vehemently refused to go - she had been before, and felt that it would be like prison. She believed it was the state’s way of silencing her and sticking her somewhere where she couldn’t communicate and would just “grow mold”. She felt it was a way for them to forget about her without

extent to which they either work in partnership or against one another, are often blurred and always dangerous (ZALUAR et al., 2007).

¹⁰ Under the *Lei Maria da Penha* (Maria da Penha Law), women’s shelters in Brazil are for female victims of intimate partner violence. Since Isabel was not a victim of domestic violence, she could not be admitted into a shelter without an exception being made for her case.

feeling responsible, and solve the state's, rather than her, problem. As she later told me, "sometimes with the state is like that, they take the person away, put them in a shelter, and their [the state's] problem is over".

Isabel's interpretation of the shelter as a form of prison is an interesting twist on Loïc Wacquant's analysis of increasingly disciplinary social policies (2012) and the rise in mass incarcerations in Brazil (2008). Wacquant describes the "penal treatment of poverty" as a militarized and violent response to the social problems and inequality fostered through neoliberal policies. Elizabeth Bernstein's (2012) gendered analysis of the neoliberal carceral state and its intersection with feminist anti-trafficking movements points to the ways in which such penal frameworks have permeated global humanitarian discourses in ways that punish in the name of protection. Drawing on Wacquant and Bernstein's analyses, Isabel's case is an example of a "penal treatment of victims" fostered through the same systems that penalize poverty and aggravated by contemporary politics of sex and gender that reinforce the stigma surrounding prostitution and victimization of sex workers. The state's penal treatment of victims began with the raid on May 23rd, and continued with their response to Isabel when she attempted to *fazer direito* and report the kidnapping. The police responded by incorrectly filling out the paperwork to avoid opening an investigation. Their use of paperwork processes, *direitinho*, is an endorsement of the violence against her. Furthermore, the police chief's manipulation of her to disclose information that she neither wanted to disclose, nor knew that she was formally disclosing, is another violation to serve the state's interest. The "mishandling" of her case by the police precinct, and willingness of the state to open an exception for her in terms of getting her into a shelter, but no other avenues of redress, are further examples of the state's strategic use of bureaucratic processes and loopholes to advance and protect their own interests *direitinho*.

Outside the Shelters

Unsure of where Isabel could go to next, a Davida colleague who serves on the Rio de Janeiro State Anti-Trafficking Committee suggested that we contact the committee to see if they might be of assistance. In his contact, he purposely left it vague whether Isabel was a

trafficking victim or not to ensure that her case would be treated as a priority and referred quickly to the necessary services. The strategy worked, and an appointment was set up that same week at a center for female victims of violence, that is also the Rio de Janeiro reference center for trafficking victims¹¹.

At the director of the center's request, the staff separately attended to Isabel and I. I felt uncomfortable with this, and sensed that Isabel wasn't too happy about it either. I was called into the director's office first, and she immediately told me, "I know all about this case. I'd seen it on the news, they called me to see if I could get her into a shelter, and I told them that we could help, but that she would have to come to us." The director informed them that she couldn't offer a shelter as an option to Isabel because she wasn't a victim of domestic violence, and although she could "*dar um jeito*¹²" (find a way), "this wasn't correct". I sensed a certain tone of annoyance in her voice, especially with regards to the involvement of the media. She continued, "Here, they are not only prostitutes, they are women and citizens. If she decides that she wants help, we will help. But when she seeks employment [through their networks], she cannot bring her activism. When they ask about her past, she cannot say that she was a prostitute."

In Isabel's private meeting, the director said that she "didn't fit into their guidelines" to receive any financial and housing support, largely because she had earned about 10 times the eligible salary for government benefit programs as a sex worker. They made clear that the state would take no responsibility for maintaining the quality of life that Isabel and her children had before the raid. Isabel was told that to receive any support, her mother would need to make a legal declaration that her daughter had disappeared for three months, without leaving any support for her or Isabel's two children (who

11 The center forms part of a larger network of services offered as part of the Rio de Janeiro State Sub-Secretariat of Politics for Women (*SPMullheres*), which is under the umbrella of the Rio de Janeiro State Human Rights and Social Assistance Secretariat (*SEASDH*).

12 The "jeito", is a widely written about concept that refers to a Brazilian way of solving or avoiding problems by going outside the rules, system and/or conventions. It often relies on social networks, the exchange of favors, pulling strings, or even money. Brazilian anthropologist Roberto da Matta has written about it extensively (see *O que faz o Brasil, Brasil?* (1984) and *Carnival, Rogues and Heroes* (1991)).

lived with their grandmother). In this case, Isabel would be declared as an unfit mother, and lose custody of her children. The grandmother would receive custody, and this would allow her to receive the *Bolsa Familia*¹³ (Family Grant - government assistance program) as well be put on the waiting list for a federal public housing program. They informed Isabel that her employment options would be salaries around R\$700 Brazilian reais¹⁴ (equivalent of US\$280), and that she ‘was a very pretty girl, very intelligent’ and should stop with her activism because, ‘it wasn’t going to get her anywhere or change the world’. In other words, if she followed their instructions *diretinho* by simulating the abandonment of her children, losing custody, and stopping her activism, her family would have the “right” to an equivalent of US\$56 a month and the possibility of housing, and she would have the “right” to protection in the form of a job with a salary ten times less than what she earned as a prostitute.

Victim Management

The women’s center attempted to convert Isabel from a *puta* into a victim through bureaucratic avenues to benefits that would silence her activism and legitimize the illegality of the state’s actions. If she’d followed their advice, she would have been constructed as a destitute woman in desperate need of government assistance who would be willing to give up her children to guarantee their survival. It is an image of sacrifice, steeped in morality, and gendered images of a mother willing to give up everything for her children. This is the kind of woman that the state was willing to protect. Yet by taking away her children and offering only a meager financial compensation in return (that would go to her mother, rather than her), it was more of a punishment than protection. As Jennifer Wood (2005), in her work on the prison industrial complex in the United States comments:

13 The *Bolsa Familia* is a government assistance program started by the Lula administration that provides a small stipend to families earning under R\$77 a month (US\$30). The family receives R\$70, plus R\$35 for every child, on the condition that the children be enrolled in school, which in Isabel’s case, would account to a total of about US\$56 a month for her mother and her two children.

14 Minimum wage in Brazil is R\$724, or approximately US\$290. At the time of the raid, Isabel was earning nearly ten times that, with her estimated income being R\$6,000-\$8,000 (US\$2,700 - \$3,600) a month.

The ideal image of the victim, then, fosters a particular kind of crime policy discourse that authorizes punishment and silences critique. Protectors are then able to define not only who counts as a victim, they also determine what counts as protection on the victim’s behalf. In other words, protectors use these images of victims to legitimate their power (2005:5).

As Wood argues, the ideal image of the victims thus indicates who is a victim and who isn’t, but also has the power to reinforce racial and gender domination. In her analysis, Wood points to the ways in which images of white, middle-class women as rape victims, “transform the rampant racism in the American system of justice into what appears as a reasonable, necessary and nonracist justification for punishment” (2005:6). In Isabel’s case, the state’s “management” of her as a victim involved transforming her into a type of victim that she refused to be. It both negates the violence to which she was subject from the police, and perpetuates the continual violence of the state’s refusal to meet its obligations to protect her.

By proposing that Isabel erase her history of prostitution, and stop her activism, the center sought to depoliticize and sanitize Isabel while, either intentionally or not, erasing the history of her situation, and replacing it with a common narrative of a prostitute as an unfit, destitute, mother. In her ethnographic work on the politics of humanitarianism and migration policy in France, Miriam Ticktin (2011) highlights the moral imperatives behind care and protection that often serve to erase the politics and responsibility behind suffering. By obligating her to stop her activism, the space at the women’s center was established as one that was outside of the politics that they knew were surrounding Isabel’s case. There was no recognition of the state’s responsibility in causing her losses; on the contrary, efforts were made to erase and silence this aspect of her story. In fact, state violence was only recognized as a *condition* that rendered her *ineligible* for a shelter, rather than a *condition for protection*. Over and over again Isabel told me that she felt like the state had violated her rights two times; once at the raid, and twice through her efforts to seek protection.

Scholars from various disciplines have explored the silencing and damaging power of programs established to “protect” sex workers as victims, in particular, in the

context of human trafficking and sexual exploitation (AUGUSTIN, 2007; BLANCHETTE et al., 2013; BRENNAN, 2008; CHENG, 2010; KEMPADOO, 2005; PISCITELLI, 2008; SVAH, 2014; VANCE, 2011) Work by authors such as Laura Augustin (2007) and Kamala Kempadoo (2005) have focused on the political economy of the government and non-governmental movements, or “rescue industries” as Laura Augustin refers to them, that have been established under the guise of “saving” trafficking victims, yet at their core, are guided by conservative anti-prostitution discourses and repressive actions that silence more than protect.

Thaddeus Blanchette and Ana Paula Silva argue that in Brazil, the discourses do even more, infantilizing and entrenching women, “in the wrappings of State tutelage, treating them as subjects and not citizens; as children, not adults” (2013:15). Blanchette and Silva refer to the most common popular discourse around trafficking in Brazil as, “The Myth of Maria”, a story perpetuated through a highly criticized research project with non-reliable numbers¹⁵ and other popular media channels such as *telenovelas*¹⁶ that draw on a narrative of a poor, innocent, mulatta woman who is tricked by an evil foreign man to travel to another country where she is promised to make a fortune, only to have all of her documents confiscated and be held as a sex slave in a dark and dangerous brothel in a generic, yet ominous foreign country. Carole Vance (2011) has referred to these narrative devices as melodrama, or “a brilliant and familiar technique for misdirecting the eye from complexity and contradiction, offering a simplified and emotionally gripping substitute” (2011:940). When performed correctly (*direitinho*), the melodrama is useful

15 The “Study about Traffic of Women, Children and Adolescents for Commercial Sexual Exploitation in Brazil” (PESTRAF – acronym in Portuguese) is the only national level study in Brazil on trafficking to date. Conducted in 2002, by the Center for Reference, Study and Actions about Children and Adolescents, in partnership with the Minister of Justice, The Secretary of Human Rights, and the Department of Children and Adolescents with financial support from USAID, ILO, Save the Children, the Organization of American States and the Brazilian government, the study was extremely high profile and has been heavily critiqued for its methodological flaws and ways in which it has been used strategically to support repressive policies. See: (BLANCHETTE et al., 2012)

16 The soap opera, *Salve Jorge* aired in 2013 and featured a protagonist character that had been trafficked to Turkey, much in the fashion described by Blanchette and Silva as the “myth of Maria”. Although the *telenovela* had relatively low ratings, it had a large affect on bringing the topic of trafficking into the public consciousness, and, influencing even police actions.

for misdirecting the public and policy eye away from the labor issues of prostitution and consequences of its illegality that often underlie situations of abuse and violence in sex work contexts.

In Isabel’s case, the melodrama worked to direct attention away from the institutional violence that Isabel suffered at the hands of the police, and towards a story of a poor, irresponsible mother, that evokes an emotional response on behalf of her children and their grandmother – who were precisely who the state was willing to protect. The director and social workers at the women’s center attempted to create a melodrama out of Isabel’s situation. As her story is distinct from the more common narrative of the innocent woman tricked into prostitution, the melodramatic technique was inverted to one in which Isabel, not the police or pimps, was the villain. By attempting to turn her into a bad and irresponsible mother, fault is transferred onto her, not the state. In this way, the melodrama is a moral technology that punishes rather than protects.

Anthropologist Jose Miguel Olivar’s work points to the moral and political nature of the regulation and categorization of prostitute bodies and the management function of the state in its negotiations with sex worker activists (OLIVAR, 2013, 2014). He argues that morality and emotions are given more weight than the law in the context of policies surrounding prostitution. In his extensive work in Porto Alegre, in the south of Brazil, Olivar explored similar processes of construction of activists and *putas*, analyzing what kinds of prostitutes are “possible” to exist within certain political and moral regimes (OLIVAR, 2014). “Possible prostitutes” refer to those who will be *allowed* by the state to exercise their right to work if they behave *direitinho*, such as not wearing vulgar clothing, being subtle in their approaches to clients, helping to fight the sexual exploitation of minors and not disturbing the public peace (OLIVAR, 2014).

The women’s center did offer a “possible prostitute” role for Isabel: she would have a right to protection if she disappeared into a shelter and benefits if she lost custody of her children, yet Isabel refused to follow their rules *direitinho*, and therefore, in their eyes, chose not to be protected. In my contact with many of the state actors, I sensed that they were relieved when she refused their offers, as opposed to reflecting on why

Isabel preferred to live in constant fear of being killed than submit to the conditions proposed for her protection. A strong current of stigma structured all of our encounters and the punishing nature of the options offered to Isabel. Yet as I've discussed here, this dynamic is not specific to Isabel. Sex workers in Brazil are often punished on all sides: those who are victims of violence and forced to submit to disempowering conditions to receive "protection", and those that choose to stay outside the systems and remain vulnerable to the police abuse and criminalized aspects of their profession. In this way, the dubious stature of prostitution in the Brazilian Penal Code facilitates the state's *fazer direitinho* approach while also erasing responsibility to protect a *puta* who refuses to fit into the state's gendered and sexualized victim categories.

The Wrong Type of Treatment

The field note that opens this article comes from the day I was waiting for Isabel to go to our first evaluation meeting at the National Program for Protection of Human Rights Defenders (PPDDH – acronym in Portuguese). The PPDDH is a national program headquartered in the Secretary of Human Rights (SDH – acronym in Portuguese) in Brasilia that was founded in 2004 with the goal of protecting "people who are in a risk situation or threatened as an outcome of their work promoting human rights"¹⁷. Isabel was referred to the program through Justiça Global, an NGO partner of Davida, and the first step in the intake process was an evaluation by the program's technical team to evaluate if she was a good fit for the program. The criteria for what a good fit might look like were never made clear, beyond a requirement that the risk faced by the human rights defender must result from their activism.

I participated in the meeting as part of Davida and the Prostitution Observatory-LeMetro/IFCS/UFRJ. The PPDDH team began by explaining that they treat the evaluations in the same way a doctor treats a diagnoses of a sickness; they need to understand exactly what is "wrong", and then, based on the diagnosis, indicate the most appropriate "treatment", because, as they

said, "the wrong type of treatment can have very grave consequences". The team's first comment after hearing Isabel's story was that it would be difficult to protect her because her threats appeared to primarily be coming from the police, and the PPDDH uses the police to protect the human rights defenders admitted into the program. Thus, from their perspective, the same people that were after Isabel would also be responsible for protecting her. I questioned how the Secretary of Human Rights generally handles this, considering that the police are one of the largest violators of human rights, especially in Rio de Janeiro. They were silent.

Instead of responding, they continued that the federal government had two forms of protection – the PPDDH for activists and PROVITA, a witness protection program. They explained the differences between the programs using the analogies of a cell phone and a camera box (the person being a cell phone and the box being the government program). PROVITA, they explained, puts the person inside the box, and then whisks them away to another place where they remain completely isolated and cut off from their previous world. PPDDH lets the person (in this case the phone), stay outside the box, and assists them to continue with their activism while providing protection such as police escorts and watches in front of their homes. Isabel looked at them, already sensing their resistance and where they were going with their analogy, and said, "I know, and I don't want to be put inside a box. I'm not a witness, I'm an activist".

It was clear from the beginning of our attempts at seeking protection that Isabel's status as a witness was connected exclusively to the possibility of her denouncing the militia that allegedly operated the security in the building. She was also clear that she would not testify against them if a judge subpoenaed her to corroborate the statement illegally obtained by the police chief. In spite of the fact that all of the violence Isabel had suffered prior to us contacting the PPDDH had been from her denouncements of police violence, no one ever suggested that her status as a witness could be of the *state* violence committed against her. On the contrary, and once again; the state violence was a condition of her *ineligibility* for protection. The PPDDH technical team insisted that the state involvement was what made her ineligible, and notably, did not suggest any alternative civil remedies or

¹⁷ More information on the program can be found here: <http://www.sdh.gov.br/assuntos/combatas-as-violacoes/programas/defensores-dos-direitos-humanos-1>

government offices for us to contact for support.

The question of Isabel's identity, or not, as a witness resurfaced ten days after our meeting in Brasilia when a group of men allegedly connected to the militia were arrested and paraded on television as people responsible for extortion and the sexual extortion of prostitutes in the building. The media presented sex workers from the building as victims of a violent and dangerous mafia, and images of the floors where prostitution occurred – now completely abandoned and filthy after nearly two months of being condemned and looted - were broadcast on all the major stations as the horrific locations where the allegedly sexually exploited women worked. The news surrounding the arrests mentioned nothing of the police abuse and violence against the sex workers during the May 23rd raid. Instead, the coverage served the interests of the police by providing justification for their actions, silencing attempts to reopen the building, and redefining the sex workers who were in the building as victims of extortion.

These news stories drastically increased Isabel's need for protection. The PPDDH program was still evaluating Isabel, and they arranged an emergency evaluation of her situation with the witness protection program, PROVITA. The goal of the evaluation was to assess her situation and immediate protection needs. They assured us that it was not to include her into PROVITA; however when we arrived at the meeting location, a team of more than ten people from PROVITA, including lawyers, social workers, and their support staff appeared to be clearly prepared to put Isabel into a box and whisk her away. At PROVITA's request, I joined the first part of the meeting to explain our understanding of what was supposed to be happening, while members of their team spoke on the phone with the PPDDH to try and understand their intentions for referring Isabel to them. The morning was a merry-go-round of conversations and confusion as to what exactly any of us were doing there.

One thing was clear, however: Isabel was in desperate and urgent need of protection and both programs resisted her inclusion. From PROVITA's perspective, Isabel's strong conviction that she wanted to continue with her activism was incompatible with the security rules of the program. Furthermore, rather than see her as a witness of state violence, they understood her largest risk to be from the militia and her potential as a witness against the

men who had recently been arrested. This categorization infuriated Isabel because this was not a role she had taken on willingly, but rather through the trickery and deceit of the police chief at the station also responsible for the illegal raid. Thus what justified inclusion into PROVITA, from their perspective – her status as a witness against non-state actors – also justified her exclusion because she refused to be a witness if called upon by a judge. From the perspective of the human rights defender program (PPDDH), the gravity of Isabel's situation required more stringent protection measures than they could provide, particularly because her threats were thought to come from people with connections to the police and militia. Although we were never directly informed, we learned that day that the PPDDH had decided not to accept her into the program, and, although they had denied this earlier, had passed her onto PROVITA for inclusion as a witness to the criminal operations in the Niterói building, *not* to the police violence.

Protecting Protection

The state violated Isabel on multiple levels in their attempts to *fazer direitinho* behind a “curtain of legality”. First, by violating her rights and those of all the women in the building on the day of the raid. In accordance with what the judge had authorized, sex workers should have been “managed” as possible victims of violations by non-state actors. Not violated by the state. Second, none of the sex worker complaints of the violence resulted in any disciplinary action against the police, nor even an investigation into what happened on the day of the raid. The only action taken was by the public defender's office, whose petition to re-open the building was denied, despite proof of blatant procedural violations and outright violence. Third, after her kidnapping, the police precinct mishandled her complaint and once again, did not open an investigation nor seek to protect her against future threats. Although we never knew, we also suspected that the people threatening her were the police themselves. Finally, facing this series of state failures to respect and protect¹⁸, we sought protection and benefits through

¹⁸ Under international human rights law, the duties of states are summarized under three categories: respect, protect and fulfill. Respect is what the state should due through its institutions and law. For example, the police directly violated its respect of sex workers

state mechanisms for victims of violence. In each case, the programs followed their rules *diretinho* and created conditions that protected the state, while violating Isabel.

Isabel's trajectory illuminates that in the context of institutional violence against sex workers, it is not that the state does not act, but rather that it is very strategic about when it chooses to do so. In her attempts to *fazer direito* by denouncing the state violence and seeking protection as an activist, none of the "correct" channels worked. At the same time, Isabel's refusal to follow the rules *diretinho* and be the kind of victim the state was willing to protect was directly related to our difficulty in securing protection. Different from the experience of many in Brazil, our initial access to government systems was fairly fast – strings were pulled to get her into a shelter if necessary, the women's center appointment was arranged very quickly, and the emergency evaluation from PROVITA was arranged from one day to the next. Yet in each of these cases, the bureaucracy moved quickly because Isabel was presented as the type of victim that each of these services protect – women victims of violence, trafficking victims, and a witness. As an activist, the PPDDH program also set up the first evaluation meeting quickly, yet followed this with a rejection in less than two weeks (after telling us that the full evaluation period usually took up to 3-6 months).

The attainment of benefits and protection in particular is often tied to the state's definition and categorization of victims (PISCITELLI, 2008; PLAMBECH, 2014; TICKTIN, 2011). Miriam Ticktin's ethnographic work uncovers the moral undertones of humanitarianism and migration policies that serve as classificatory mechanisms, deciding which bodies are worthy of rescue and protection (2011). Building on her work, Plambech (2014) argues that in the context of Nigerian sex workers detained in Europe, the police interview processes basically obligate women to adopt a victim narrative to avoid being categorized as undocumented migrants and charged with violating immigration laws (PLAMBECH 2014: 388). Adriana

on the day of the raid. Protection refers to the state protecting people from the violence of non-state actors, discrimination, and violations to "integrity, freedom or other human rights". One of the many violations of the state failure to protect was when Isabel reported her kidnapping, and nothing was done to investigate what had happened or to protect her from future violence. See: <http://www.amnesty.org/en/library/asset/IOR50/001/2000/en/b811eee2-ddcd-11dd-9bb6-9d0e42687e7f/ior500012000en.pdf>

Piscitelli (2008) refers to a similar dynamics as being caught between the "mafias" and "help" and one of the reasons why so few sex workers identify as victims of sex trafficking; they are not the victims that those who seek to "save" or in some cases, deport them, want them to be.

Bureaucracy in these examples functions as a weeding process through which the state chooses who deserves protection and who deserves punishment. There are two important differences, however, between Isabel's case and the construction of victims in the context of sex trafficking: 1) her condition as a victim of state violence; and 2) she was not "saved", she actively sought redress and justice after the state violated her. These distinctions add additional layers of complexities to thinking about the construction and management of victims. Rather than categorize deserving victims, the state attempted to teach Isabel "how to be" through its management of her (to refer back to Souza Lima's conception of management). In the raid, she and her colleagues were "taught" that they have no rights as prostitutes. The women's center director "taught" Isabel how to be a destitute, irresponsible mother. Both the witness and human rights defender program "taught" her to be the kind of witness that interested them. In all instances, Isabel was "taught" that she should be silent, and not continue with her activism. To *fazer direito*, I have argued here that bureaucracy functions not only as a weeding process, but also a management process through which victims are molded to fit the confines of disciplinary social and penal programs.

Attempts to *fazer direito*, both by Isabel and the public defender involved in the case, were met by what Adriana Vianna describes to as, "an art of governing that is the art of *not* doing" (2014). Indeed, the art of *not* doing does a lot. In my interview with a public defender, she said that one of the case's most threatening aspects was the complete silence and non-action of the state in response to so many blatant illegal actions:

They never confronted what needed to be confronted. And that to me was the most threatening. Because it has the scent of a dictatorship. It seemed like you [generic] were the only one seeing that situation, and that everyone else was experiencing the situation as if it was something else, because if you start to scream, soon someone is going to come and shut you up. Because if you

scream the truth in the middle of so many lies, you mislead everyone, so it seems like someone is going to say, “shut up”. You have the option to shut up, or you have the option to stay here with us, now if you open your mouth to say anything that is not what we are saying [...silence]. I think that this was very threatening. The omission of the state. And it is the first time that I have seen this, except in the dictatorship, the state threatening people who have rights. ‘I threaten as I don’t act’.

The public defenders’ office was the only state institution to confirm the illegality of the police’s action, and, as discussed here, the office significantly reduced involvement as it became clearer that no other state institution was going to do anything. The failure of the state and threats thus worked together. On one hand, sex workers, with the exception of Isabel, were silenced through threats and, indirectly, through the slowness of the legal processes attempting to reopen their apartments. On the other hand, the only state institution invested in at least attempting to defend the women felt threatened by the absolute silence of the Public Ministry; the institution that should have been responsible for denouncing the violence, but instead was the government office responsible for it¹⁹.

The state’s *modo operandi*, however, is very far from a hidden dynamic or unknown strategy to those who are most affected by it. Isabel later commented to me that she always knew she would face difficulties in seeking protection, and that it would be a “waste of time” because, “The state doesn’t work...it works for them, for themselves, for governors, politicians, congressman and city councilmen, for them – they have policies, protection, everything, but civil society doesn’t have anything.” Her quote attests to the expectation of the state non-action, and differential treatment for those who are not in power. Yet as much as she doubted the state’s ability to work in her favor, and detested the endless memos sent with no response or result, she insisted on continuing her fight to be accepted into the PPDH:

They are going to pronounce in favor of me. They are. I am not going to give up. This for me is a question of honor, even as much as I know that their protection is not going to influence in anything, because I am “protecting myself” (quotes hers), but I want it. They gave me an official document with the refusal, now I want a document with my protection. I make a point of it, I am not going to let this be.

The recognition from the state, on their terms, that she was an activist and deserving of protection through the Secretary of Human Rights was something that motivated her to continue the fight. Yet she was not willing to adapt to their victim categories to receive the kind of protection they were willing to provide. Isabel valued what the official document would represent, while also recognizing that it was not sufficient for her protection, nor all that she deserved given all she had been through. Here, *fazer direito* is refusing to alter her status as *puta*, and insisting on having the *puta* whose rights were violated by the state recognized *direitinho*.

A *puta* demanding her rights disrupts, breaks and challenges the state’s classificatory machines. Isabel was at once a mother, daughter, *puta*, victim and protagonist. As Olivar notes (2013), being a *puta* it is not an either/or, but rather everything:

These women...before being *putas* in opposition to being wives or prostitutes, they are everything together, stably together. They learned, constructed or earned these potencies in all of their trajectories. There is an important power in the clear capacity to alternate between a deep silence and constraining noise, between the obedience of geishas and capitalist volunteerism, between buried ignorance and total cleverness, between the poor victim and the insatiable predator and everything in between (2013: 313).

There is power in the ability to alternate between such a wide range of social categories that have diverse ends. Isabel demonstrated this power throughout our journeys seeking support. After our afternoon in the women’s center, she told me that she just sat there quietly and nodded as they told her about the option of her losing custody of her children in order for her mother to receive services. She was almost even relieved when we left – and

19 The order for the police’s investigation of the building came originally from the Public Ministry – an institution similar to the Attorney General’s office in the United States that has more independence from government oversight precisely because one of its attributes is to oversee and supervise the government.

said this was because “at least they were honest” about what they were willing to do. Yet since then, she has turned the experience into a “constraining noise” about the failures of the state system in protecting her as part of her activism to *fazer direito*. A *puta* such as Isabel is at once a mother, activist, daughter, witness and victim – not either/or, and not the victim nor witness of what the state wants her to be. She witnessed state violence, yet all attempts were made to silence her to denounce it. She was also a victim, but of institutional violence, feeling at every step of the way what Jennifer Wood refers to as “the punishing power of protection” (2005) as she sought justice and retribution for all that she had suffered.

Final Reflections

In this article, I begin to explore what “making it right” looks like on either side of the state and activist equation. I argue that in the context of institutional violence against sex workers, the state does not do what it should; it goes out of its way to do what it shouldn’t. I refer to this way of acting as *fazer direitinho*, a concept that also builds on the extensive literature analyzing the construction of victimhood in contexts of sex trafficking. By contrasting this with Isabel’s efforts to *fazer direito*, I uncover what happens when “victims” resist, and attempt to oblige the state to act in the name of justice, rather than their own interests. I proposed the use of the term *victim management* as one that incorporates Souza Lima’s conceptualization of the Brazilian state as one that manages its subjects as a way to “teach how to be”. Isabel refused to learn to be what the state wanted her to be, and in doing so, was penalized with nothing. Her experience is a reflection of one of the many truths that Gabriela Leite, the founder of the sex worker movement in Brazil who fought for over three decades against the victimization of sex workers, told me in a 2013 interview: “victims don’t have a right to anything”.

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