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Eating pizza in prison:

Failing family men, civil punishment, and the policing of whiteness in São Paulo

ABSTRACT

Police work is obviously a question of pursuing subjects. In postslave societies, one figure dominates; police are always after the young Black man. Meanwhile, another distinctive subject of policing exists. In São Paulo, Brazil, police detectives are also worried about the failing White father. He represents a crucial kind of problem: he weakens whiteness by subjecting White children to the indignities that Black children face. His punishment is not incarceration, however. Instead, his punishment is a question of civility and reparation, of being “pedagogical.” Attention to police officers’ decision-making about these two subjects of everyday policing shows how the long-standing fallacy of the idealized White family is produced by extracting from the Black family. It reveals the logic of differentiated punishment—*civil* and reparative punishment for White men, life in prison or death for Black men and boys—as a mechanism in the constant remediation of whiteness as property and accumulation. [*whiteness, policing, punishment, men, family, child support, race, São Paulo, Brazil*]

Who ordered the pizza? a detective shouted as a deliveryman walked into the neighborhood police station, a big concrete building in an upper-middle-class part of São Paulo, Brazil. I had just come back from lunch. While I was gone, a “guy walked in to report a crime. Something about a noisy neighbor,” said Leandro, a Civil Police detective (*delegado*) with a law degree, whom I’d been accompanying day and night over many months. “But when we ran his name in the system to create the report, it came up that he hasn’t been paying his child support. So . . . we arrested him.” I watched as the rank-and-file police *investigadores* (investigators), who are subordinated to Leandro and who make three times less money, took the pizza across the gray, white-and-black-flecked granite counter and walked it down a short hallway to one of the lightless holding cells. They unlocked the door and gave the man his pizza, which he had ordered by calling the restaurant on his cellphone from behind bars. There he sat, munching his pizza, wearing leather loafers, jeans, and an ironed blue-and-white button-down shirt, until I left the station many hours later.

In the cell next to his sat a shoeless Black boy of about 15, wearing a torn T-shirt. He had been arrested at the box office in the nearby shopping mall, where he had tried to get a refund on movie tickets that someone had bought online with a “cloned” credit card for about US\$12. By the time I returned the next day, both had gone—the pizza eater had paid up on unspecified thousands in child support, but had not been otherwise penalized, and was summarily released. The young ticket pilferer had been sent off to an institution for “youth in conflict with the law,” the gateway to a rapidly growing prison system where about 42 percent of the 230,000 prisoners are awaiting trial.

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The starkly different treatment of these two subjects of policing reflects the punitive differentiation of race in capitalism. Much scholarship has focused on this, and the variegated impacts of this criminalization, its extractions from society, and the social worlds it creates. And for very good reason. In Brazil, a country where capitalism developed through the transatlantic slave trade, research has firmly established that penalty, the subject of mass incarceration, and the social category of fear all collide on one social type: the young Black man, roundly cast as the “irredeemable” *bandido*, or “criminal” (Misse 2010). The *bandido* is the bedrock of policing, “crime control,” and accumulation. He is seen as a predatory threat, and this perception motivates a pernicious kind of everyday extermination—in the years I was accompanying the São Paulo police, they killed an average of 2.3 people a day. This subjectification makes and remakes the city as a securitized space of race and fear (Diken 2005), generating, in turn, other kinds of belonging and existence in its interstices (Biondi 2016). In Brazil, as Smith (2016, 7) writes, this condition “marks the Black body as violable and expendable yet necessary to the maintenance of the nation’s saleable world image.”

Alongside all the violence against young Black men amid this everyday *genocídio negro* (Nascimento 2016), there is another, less spectacular, somewhat counterintuitive, but nonetheless prominent subject of everyday police work: the White father who fails to support his children. This category is still highly racialized, though subsumed by whiteness. While much that comes across the police desk is of discretionary interest or deemed unsolvable or too problematic, the negligent White father cannot be dismissed. This kind of man, who leaves his children in the lurch, must be punished.

He is a dud, but not a violent threat. The failing White family man’s punishment is necessarily provisional; he must be redeemed, unlike the “failed Black father,” who is always already cast as criminal, irretrievable, to be banished. Detaining the failed White father is an act of punitive safeguarding, and this has been established by law and legal practice. He is the everyday subject of a civil and restorative legal process for a problem defined in penal law, such that he will be temporarily detained for outstanding court orders until he pays up, for the days stipulated on the court order, or up to 90 days, whichever comes first.¹ Responding to the problem has become a matter for civil law in a mode of reparative policing regularly described as “pedagogical” by judges and legal practitioners. Under this logic, he must be held separately, both because his injuriousness is categorically different and because this kind of ill also means he could be harmed by other inmates in the “general population” of prisons. His ill is a threat to whiteness as social, legal, and identity property, to the fragility of White life as an affective category that requires tireless remediation, and to the centrality of White children, in particular, to Brazil’s

long-standing racial nationalism. Echoing inequities in penal privilege and applications of law, real and future failing White fathers benefit from *civility in punishment*, a necessary but mediated consequence that requires specific courtesy and differentiated attention. It differs markedly in severity, attentiveness, and duration from virtually all other legal and extralegal punishments meted out by the police, well known to be brutally corporeal and exceedingly inhumane.

A closer look at why the failing White family man—and his specter—is taken so seriously by police highlights a key mechanism in racial differentiation and violent social ordering in a context of highly unstable inequality. Seeing Brazil’s striated racial condition through the police’s idea of the White family man reveals discrete ethics. Police enact an idealized vision of the family and fatherhood for some and deny it for others, whitening some people because of their real or imagined family condition and work history, whether or not the person in their gaze is phenotypically White. Similarly, they negate whiteness and its privileges for men seen as a real or imagined threat to family, material property, and security. Ethnographic attention to this father in the sight line of police is a distinctive means of understanding how race, while not outwardly named, is *ascribed* through patriarchal normativity and capitalist social relations, and of showing how whiteness is safeguarded, maintained, and reproduced at multiple scales and registers.

As caretakers of whiteness, the police concern themselves with the White father, the future White father, and the White family’s possible failure. The White family is thus constantly produced in relationship to making Black fathers fail, imprisoning future Black fathers, pulling apart Black families, and ruining their futures. There exists a relationship between these everyday police subjects, as well as a dialectical and legal relationship between the “criminal subject to be extinguished” and the “civil subject to be attended,” which are always being made, together. Focusing on these relationships reveals the mutual production of penal, racial, and family order, on distinct terms. Paying historical attention to the hierarchical relationship between the Black and White family, I analyze the mutual dependence of two subjects via the logics and practices of policing as legal subjectivity and as racially affective. I show how tending to whiteness, remediating it, and subjecting it to care and pizza have long worked by whitening the idealized family while denying the Black family the same treatment.

To show how such boundaries are constantly defined and reasserted, I follow the work of Harris (1993), whose concept of “whiteness as property” is a touchstone. Here, whiteness is a historic and ongoing shield from being dehumanized, working as “a highly volatile and unstable form of property,” one that people use, are given, and have revoked in their constant, high-stakes efforts to remain free subjects rather than the objects of property and punitive

intervention. This kind of property—bodily, performative, and fundamentally affective—both transcends law and is written into it through differentiated bureaucratic categories of “civil” and “criminal.” The failing family man stands as a fracturing of whiteness, an unfortunate flaw in a racial regime that requires tending, inspires guilt, and is defined by both legal codification and sensibilities—“the benefit of the doubt”—that mold how law is applied, and why. All this happens as a way of polishing whiteness, removing the tarnish to prevent permanent stains.

I make my case by describing how these logics work, developing them in a historical arc. By attending to the contextuality of police decision-making, I look to how police show concern for White fatherhood, safeguard the idea of “the family,” and maintain the relationship between whiteness as identity property tethered to a notion of family, always refracted through Blackness as nefarious, criminal, and anti-family. In so doing, this analysis locates men as central to a long-standing political economy of gendered and racial subordination.

This work is based on intensive ethnographic research carried out most substantially in 2009–12 with Civil Police detectives in three different neighborhood precincts and in the Homicide Division of the city of São Paulo.² The Civil Police are an investigative body, charged with receiving and investigating reports of crime, and jailing people remanded to them by the Military Police—a reserve of the national military whose units patrol the streets as beat cops—after having been arrested *em flagrante* (in or immediately after the act). During this period and on return trips, I accompanied various teams of Civil Police officers—among whom there are many hierarchies and divisions of labor—as they worked through paperwork in stations, took reports from citizens, and traveled around the city to crime scenes where people had been killed, including by the police themselves. In so doing, I followed the everyday mannerisms of police work, its moral justifications, its political production, and its increasing coiteration with an incipient prison-based (and self-defined) organized crime group (G. Denyer Willis 2015). For the most part this meant quiet observation; I wrote down quotations on fleeting breaks and long field notes after leaving the station each day. This inquiry, undertaken while I managed to stay unharmed, was made possible by my being a privileged international outsider, shielded by the same racial axiom that I work through here. I describe this methodology in much greater depth elsewhere (G. Denyer Willis 2015). All interlocutors’ names are pseudonyms.

The Brazilian “family,” and nation

In Brazil the ideal family has long been a question of racial hierarchy and violence. No other country received more chattel slaves in the transatlantic trade: 4.8 million peo-

ple over more than 350 years. Brazil’s experience with slavery was bleak in scale and severity, always written into a tethered separation of the *casa-grande* (big house) and the *senzala* (slave quarters). Brazilian sociality was established through many violent and banal mechanisms that united Black and White in a tenuous and punitive relationship of denial and affirmation (Sheriff 2001). One of the most long-standing is the affirmation of the White family through the denial of the right for Black Brazilians to form their own families. In this iteration of chattel slavery slaves died or were killed within seven years of arrival (Alencastro 2018). Because it was cheaper to replace lost slaves through importation (Bergad 1999), “masters” saw slave reproduction as unimportant until after the international trade was banned in 1807. For Whites the family was a space of highly insulated social ties and hopefulness, but this was axiomatically unimaginable for slaves, whose families were deliberately quashed to eliminate willfulness (Alencastro 2018). And yet the slave family existed and persisted on distinctive terms, and with vital importance, including as a form of subversion (Slenes 2011).

If the “slave family was an incomplete family” (Mattoso 1988b, 77), it was produced by at least three logics of White maintenance: (1) centering the White family while dislocating men’s sexual violence, (2) using Black parents to sustain White children, and (3) removing Black children from their parents, who were portrayed as inadequate. These logics operated foundationally to safeguard the White family, insulating it from the consequences of its violence, moral insufficiencies, and, perhaps, actual fallaciousness—in a formalized regime of unequal life that lasted more than 400 years. Moreover, these kinds of practices always centered and upheld the White man, shielding him from the consequences of his sexual and other violence, enabling gendered subservience within the White family, and reproducing his will as though it were natural or obvious.

While White women were long idealized and disciplined to be modest and chaste—a question of family honor (Caulfield 2000)—Black women were raped and used as sexual property, fostering a social condition of widespread endogamy in Brazil (Mattoso 1988b), as elsewhere (Feinstein 2018). Enslaved women were always and at once “non-human, daughter, woman, chattel and sexual object” (Fuentes 2016, 57), at the very heart of forced sex industries in cities like Rio de Janeiro (Graham 1991). Perhaps as a result, some slave women forcefully chose never to be married, held as yet another kind of property, even to fellow slaves (Graham 2002). The sexual violence visited on enslaved women was legal or treated as such and took place behind the veil of the White family, stirring life with tantalizing gossip and whispers (Fonseca 2001). The nonwhite family kept the “illegitimate” children of masters away from the White household. Or, as Mullen (1994, 72) writes, “the ‘pure white’ family constitutes itself by denying kinship

with its nonwhite members,” even while producing more nonwhite members through rape, in a process whereby a “racially diverse nation claims a white European identity by marginalizing its non-European heritages.”

Moreover, the sustenance of White children degraded Black life. Historians have vividly shown the centrality of enslaved wet nurses, used or rented out by master families, to feed and care for young children (Cowling 2013; Machado 2017). Wet nursing is especially emblematic for its violent paradoxicality of sustaining White life and denying Black life; to feed a White child, an enslaved woman had to have a child of her own—and to deny it her milk. Thus, “the profit from enslaved women’s milk was more important to slave owners than their children living to adulthood” (Roth 2018, 805).

Even before abolition and the coming of “free labor,” the disordering of the Black family in favor of the White became institutionalized in new ways. Brazil’s 1871 Law of the Free Womb, which made children born to slave women free at birth, discursively reframed mothering (Mattoso 1988a).³ Continuing as slaves, Black women quickly became labeled “poor mothers,” incapable of caring for their free children, whom they could not tend to while being forced to labor. Soon after, as shown in the records from São Paulo’s post-emancipation orphans’ courts, Black women became the focus of targeted efforts and legal petitions to disorder their families. As women were forced to work “freely” outside the home to make ends meet, there was a rise in court orders to remove their children, who would be forcibly adopted by wealthy families as *filhos de criação*, or children raised while doing domestic tasks, complete with child labor contracts (Ariza 2017).

In the early 20th century demand increased for cheap labor to replace Black slaves, which was met with a new national policy of whitening the population (Dávila 2003). In a renewed racial moment, when the country was receiving waves of new non-Black immigrants, and when a discourse of “racial democracy” was on the rise, the country’s racial inequality took on new guises—illiteracy, hunger, unequal urbanization, lethal policing, and an “absence of rights.”

The White family remains the subject of dotting and safeguarding, through law, economy, and society. And it still works through the discursive logic and practices of disordering the Black family. This is to be seen in, for example, the contemporary preponderance of Black women working as *empregadas domésticas*, or domestic servants, a low-paid and precarious form of employment that requires long hours outside the home—indeed, many such workers live in their employer’s home. Across Brazil, just shy of one in five (18.6 percent) Black girls and women age 10 and older are employed as domestic servants; if formally employed, which is comparatively rare, they earn a monthly minimum wage of at least US\$215 (IPEA 2020). Domestic labor of this kind is ubiquitous, even in White families that under-

stand themselves as “progressive.” But maintaining a long-standing racial hierarchy requires ethical footwork in this regard. “Relationships with domestic workers, particularly nannies,” writes Ramos-Zayas (2019, 642), “often underscore parents’ self-conception as ‘progressive,’ or ‘liberal,’ while simultaneously sustaining their privilege and whiteness through a distinctly Latin American iteration of intensive parenting.”

Being nice to a nanny is only one means of masking a much larger set of practices of family disaggregation. Not only does care for White children continue as a substantial sphere of paid work for Black women, but it also endures atop a hierarchical and sexualized foundation. DeSouza and Cerqueira (2009) found that, in a sample of 366 unionized domestic workers—among whom unionization is already exceptionally rare—26 percent reported being sexually harassed in the previous 12 months. And as Corossacz (2015, 157) notes, “sexual relations” between teenage men and the *empregada doméstica* remain a common means of “sexual initiation.” Here, everyday employment relationships, and the domestic hierarchies that they are imbued with, are used by privileged White male adolescents, and indeed middle-class men more broadly (Corossacz 2019), to obtain free sexual access to Black women’s bodies.

This racist political economy produces anger and new subjectivities. It becomes a double bind that many Black mothers or young Black women must subject themselves to the White family instead of caring for their own kin. These violent preconditions of family relations are not lost on domestic workers’ children, some of whom rage against the White family and, in particular, against its White sexual-initiate son, the “playboy.” As Alves (2016) notes, some young Black men come to justify their systemic anger in these terms, both in response to stark deprivation and hunger, and in their choice of whom to accost in the city. He introduces Eliseu, for whom

putting a gun to the head of a playboy meant more than just stealing something from him (more than just the “revolt of the belly”). This act, rather, is contextualized within the city’s dramatic racial, spatial and class disparities. Eliseu explained it this way: “Shit, this is for me and for the brothers in my *quebrada* [hood]. This is for *minha velha* [“my old lady,” mother], changing the playboy’s diapers; that son of a bitch.” (Alves 2016, 78–79)

Eliseu’s anger at the White family and all that it takes from him strikes straight up against the forces that would defend it—namely, the police.

Police: Racing the once and future family

On the way to the station one evening, I passed a crime scene while in a hitched ride with a friend. Stopped amid

the heavy traffic was a black Hyundai SUV, a heavily taxed, imported car, on one of São Paulo's main thoroughfares. Under a darkening sky, though, it wasn't easy to see that it was riddled with bullets; some of its windows were shattered completely. Immediately behind, traffic was backed up beyond sight, as though held back by the flimsy plastic cordon of yellow tape gently flapping in a warm and dusty urban wind.

Later that evening, I came back to the scene with detectives from the station. It wasn't their case just yet, but they wanted to see it. It was dramatic. The whole scenario became clearer. The car had been stolen, and there had been a multicar chase through the city with gunfire back and forth between the SUV and multiple police cars. The Hyundai hit traffic and had to stop. It ended there, and quickly. At least two of the three young men involved were killed by police, even though they got out of the car with their hands up. One of the detectives, Leandro, strolled around the scene, stern, stopping occasionally to look about, his authoritative badge dangling from a chain on his chest. For the police, all the SUV's occupants, apparently, had *fichas criminais* (rap sheets), a not-so-subtle way that police and media describe criminalistic threat, subtly likening it to a biological trait of Blackness that circumscribes justifications for imprisonment or death. This is the logic behind the construction or expansion of 210 prisons in São Paulo State over the last 20 years, which accelerated even amid Brazil's flirtation with leftist politics, and which included a new national move to debt-finance prison construction with a profit motive. Concurrently in São Paulo, police killed 3,287 people from 2013 to 2016, at least 66.5 percent of whom were Black men and boys (FBSP, n.d.).

On our way back to the station, we were startled by a different scene on the same thoroughfare. It had just happened. Abutting the curb, some distance past an intersection, was a small white car with a partially shattered windshield, one of the beams framing it bent in. In front of the car was the body of a White man, covered with a tinny, reflective body-warming blanket. A crew of paramedics loitered, functionally useless, their shoulders drooping with concern. They'd tried to resuscitate the man but found that his oral cavity was blocked with cerebral matter. Next to the body was a White young man with somewhat wavy black hair, cradling his head in his hands, in shock. It was his car; he'd struck and killed the man, an engineer, who had been drinking at a bar and inexplicably sprinted across the multilane boulevard. Judging from the distance past the intersection where the body and the car ended up, Leandro and the other police murmured that the driver had probably been speeding. As we left for the station, Leandro fell quiet, pensive, before murmuring that the scene and event were unnerving and *complicado* (difficult), a very unfortunate accident. A humanistic sensibility appeared in him, conspicuous given its absence at the scene we'd just come from.

When the young man came to the station later, Leandro—who is White to the point of pale—took his statement, noting the circumstances and how it all came to pass. Some additional key points emerged. There was no doubt now that the car had been traveling far beyond the speed limit. I sat behind Leandro as he heard that the young man was to take his crucial national university entrance exams the next day, in a make-it-or-break-it life event. Among the many questions Leandro asked, some were missing, such as whether the young man had been drinking; no breath test was requested, though Leandro later whispered to me that it was an option. Armed with the information he had selectively collected, Leandro was now saddled with his choice, a highly discretionary one that no one further down the line would second-guess by want or demand. He could have the young man arrested for *homicídio culposo* (manslaughter, or negligent homicide), a common criminal charge. A man was dead because he'd driven his car into him; there was no question.

But if Leandro took this course, there would be no university exams anytime soon. Moreover, because the young man was age of majority, but did not yet have a university degree, he wouldn't benefit from article 295 of the Code of Penal Procedure, which ensures that certain "people of quality" (Cury and Nogueira 2001, 106) have special penal privileges, such as not being handcuffed, having a jail cell of their own, being kept apart, and not having to wear a prison uniform.⁴ His life would likely implode, taking with it the possibility of privilege, family, and education. Or Leandro could scold him, take pity, and not draw it out. He could let him go even relatively early in the evening. The young man might then have some rest before his exams the next day and, with some luck, be able to shake it all off. There was really no possibility of charging him. "Tenho pena dele" was the quiet justification—I feel sorry for him. And, after all, it was an accident; the other man shouldn't have sprinted across traffic, especially on a busy thoroughfare like this. Indeed, Leandro wanted to emphasize, it was the victim who was the anomaly, the one who had been "drinking at a bar" and sprinted into a busy thoroughfare. I watched as the young man walked out of the station.

"Slavery as a system of property facilitated the merger of white identity and property," writes Harris (1993, 1720). In the US, as in Brazil, the White side of the color line has mattered since the days of chattel slavery as "the most basic defining feature of hierarchy, ordering and superiority"; in this system, "white identity and whiteness were sources of privilege and protection; their absence meant being the object of property." Whiteness is, then, "a comparative value" (Sovik 2004, 323) that must be maintained and defended from mundane and persistent external threat, and its internal coherence protected. The study of whiteness is, in many ways, the analysis of how boundaries of property, privilege, and identity are felt, asserted, and historically composed; of

who can be the subject of legal guilt; and of who inspires the police to feel guilty about their choices. Property, of course, is the very basis of law and capitalism. Yet whiteness is the paragon that advances differentiation as ethical; it is tethered to an ongoing historical reality in which Whites could not be enslaved or held as slaves, so the line between the latter became critical to define and defend.

Whiteness is both a source of status—“a public and psychological wage . . . of deference and titles of courtesy” (Du Bois 1998, 700)—and an axiomatic but enigmatic world (for some) outside the “vast veil” (Du Bois 2006, 8) that shrouds Black experience. In a constant condition in which “not only must the black man be black; he must be black in relation to the white man” (Fanon 1986, 110), the opposite has not been obvious. Racial differentiation is vested in a Eurocentric coloniality of power (Quijano 2000), such that the everyday regimentation of whiteness’s axiomatic and affective hierarchy makes it appear neutral, apolitical, as though “local” things like law, signage, or even streetlights were dispassionate. Especially to those living within this iteration of the racial order, racism expels Blacks “from historical being altogether” (Gilroy 2002, 18), and it does so through racial policy that goes by pseudonyms like “the War on Drugs” (Taylor 2016). In Brazil, even as the everyday markers of race—music, language, “culture,” hairstyle—might be celebrated, banished, and discursively appropriated (Roth-Gordon 2016), race and whiteness work in a “hyperconscious” (Vargas 2004) dialectic of knowing and negation. At the same time, sensorial and affective registers like smell, touch, and sound construct whiteness as neutral, providing a foil for denying racialization (L. Denyer Willis 2018). Always a problem of episteme and subjectivity, ordering through whiteness is necessarily legal, social, and affective in its everyday constitution of city and society, from an instance of fleeting eye contact—or its avoidance—to the segregation of a city (Silva, Leão, and Grillo 2020). Moreover, this requires a key conceptual and empirical delineation, namely that “neither blackness nor whiteness is . . . strictly reducible to specific white people or black people” (Singh 2014, 1096). In its ascription, whiteness is the assembly and deployment of signals of belonging—manifest through the state but not only so—that both assert and deny human life.

None of this can minimize the centrality of race to accumulation, or death. Racism is, as Gilmore (2007, 28) writes, a category of dehumanization centered on the “state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.” The absence of premature death is, of course, the outcome of deliberate investments that course through political and economic practices and institutions, like first-rate private health care and schooling versus abysmal public systems of the same; formal housing leases that require guarantors and multiple months’ deposit versus informal housing on stilts over open sewers; and a system of state

benefits like *conditional* cash transfers of US\$20 a month for the poorest versus international graduate scholarships for those who already have baccalaureates. This condition is further underpinned by a taxation system that hinges on indirect taxes that are especially deleterious for the poor, a system in which state benefits for Whites are “twice as large as those for non-whites” (Pereira 2016, 3). Here, what Harvey (2004) calls “accumulation by dispossession,” understood as a spatial-temporal fix to crises of capitalism by novel uses of property, must also be understood as an entanglement between material and identity dispossession, and subsequent differentiated accumulation, in an imperial condition of racial capitalism tirelessly inscribing inequality on specific forms of life. Whiteness is celebrated for its absence of premature death in a constant comparative gesture. Put in a different way, “mature death” may sound natural or normal, and yet it is actively and racially contrived.

Racial affect works through the state in processes of sociolegal congealing and bureaucratic and legal codification, observable in how empowered bureaucrats do their own reasoning in spaces of discretion (Zacka 2017). Racialized affect, the “emotive manner in which ‘race’ and practices of subordination and privilege are reproduced” (Berg and Ramos-Zayas 2015, 655), courses through the legal regimentation of whiteness, captured, in part only, in police practices and decision-making. This is what rationalizations for enforcing the law mean for street-level legal actors like detectives; it also means drawing heavily on accumulated experience, unwritten precedent, and day-to-day socialization, while taking “sensibility”—hunch, guilt, impatience, bluster—and plowing it into documented materiality and decisions on who, ultimately, is put in handcuffs. This takes form in penal institutions that have long been “permanently provisional” (Chazkel 2009, 704), institutions where the durability of the provisional is nonetheless always felt and known.

There emerge police, social service bureaucrats, and other street-level administrators—frontline actors experienced with heavy racial disproportionality. These definitive actors condition the emotionality of waiting, of austerity’s boredom (Auyero 2012; O’Neill 2017), or of political resignation (Benson and Kirsch 2010). Then there emerges a will to “not bother” reporting crime (Ferreira 2013). For any interpreter, then, whiteness must be recognized as materializing in bureaucratic processes, legal judgment, and the justification of state intervention—at the most nuanced everyday scale—such that jailing someone for trying to hustle \$12, giving them a permanent and inextinguishable *ficha*, becomes about Blackness and biology, while allowing someone in the cell next door to order and eat pizza—having denied food to his own children—is about whiteness and remediation.

Law, family, and fatherhood have paradigmatic importance for understanding how whiteness matters (Freyer

1958). Here the ideal family is always a White, heteronormative unit, circumscribed by racial differentiation and fulfilled through legally contrived bonds premised and certified in the purity of blood, marital bond, and biological regeneration—however fallacious this is. Much work goes into reproducing such an imagined and idealized category of family, through law, everyday ethics, separations between work and home, and its governmentality. As P. H. Collins (1998, 63) writes, “The power of the traditional family lies in its dual function as an ideological construction and as a fundamental principle of social organization.” The work of the family is understood as both internal—working to inscribe “good family values”—but also external, understood as a pedagogical space for reproducing social hierarchy, belonging, and access to community. Any “crisis of child protection,” then, necessarily begins as a problem of families’ failure to adhere to the idealized tenets of the White family. Whether of the indigenous population in Australia, Canada, and Brazil, or of Black families in the United States or Brazil, framing nonwhite families as insufficient—the discursive pith of the matter—does the work of privileging the “integrity” of whiteness (Young 2008). In Brazil and beyond, the same logic serves to indemnify the White family, the nation, from populations of migrants, immigrants, and Travellers, against whose legally inscribed “special needs” the White family is recentered as paragon, including through calls for child removal (Christie 2010, 201).

Here, then, any understanding of the family requires a notion of how whiteness is protected, promoted, and resisted in its image, existing as a valuable and defensible kind of property. While not reducible to specific units, the family works in racial terms, and this is always historically contrived, operating through sets of conditions that both shift and remain at different scales, in different iterations while the family is redefined across moments. Thus, contextualizing the sets of prerogatives and conditions that inform the family is part and parcel of any clear analysis. Especially in the “wake work” of Black citizenship in postchattel societies (Sharpe 2016), notions, practices, and idealizations of family are always racially circumscribed, written through centuries of well-worn assumptions (Hordge-Freeman 2015). This is not to discount the discursive and political-economic extraction distinct to any historical moment, or localized modalities that hold up the White family and discredit the Black, including via the global transfer of punitive ideas and practices, such as when the Black family became codified as a specific focus of institutionalized policing—transnationally—in the 19th and 20th centuries (Holloway 1989; Malka 2018). Across moments, a constant but shifting production and policing of the delinquent, absent, or incarcerated father operates inseparably, but in varied terms and conditions, from the discourse of the mother who is unable or unfit to provide means (Coontz 1992).

Policing “the family”

Ethnographic inquiry into police work is very much a study of what matters most of the time, “when nothing happens” (Fassin 2017, 273). Here, the stories that police tell reveal the officers’ ethical paradigm. Amid the banter, they sometimes strike serious tones when a group coalesces around a topic with a degree of consensus and gravity. One evening in the locker room at the Homicide Division, the conversation turned to family breakdown. This topic often lay heavy over the cases of homicide, which detectives tacitly understood as having been committed by “criminals on criminals.” These “criminals” were described axiomatically as coming from “broken homes.” As though explaining the difference between those who are subject to violence and those who are not, a detective’s assistant named Cleiton put his sensibilities this way, with heavy emphasis on the failed father: “I don’t care how many women a guy sleeps with. As long as he pays his child support. Many women are *vagabundas* [sluts]. But you’re trash to me if you don’t support your children.”

Many people working in the Brazilian justice system share the idea that “child abandonment” is a singular pathology of criminality and social disorder, emphasizing “abandonment” as an active condition of parental choice, a behavioral problem. This gives force to the moral failure implied in the nonpayment of child support, known as *falta de pagamento de pensão alimentícia*. Despite this crime’s seriousness, the records showing how many people are arrested for nonpayment are kept in partial and scattered ways, unlike the many crime statistics that are publicly, performatively, released. Yet the depth of attention given to these cases is exceptional. In 2012, around the time I observed police passing on a pizza to the failing father behind bars, the Brazilian Institute for Family Law obtained some basic arrest data. That January, 499 people in São Paulo were temporarily detained for defaulting on parental support—16 per day—or about one-quarter of all criminal arrests.⁵ Since then, it appears the number has remained more or less constant. According to descriptive statistics from the National Justice Council, 543 were being held in “civil imprisonment” in São Paulo State at the time of writing.⁶

Not that this is a problem specific to São Paulo. In Minas Gerais State, the country’s third largest, the number comes close to 15 percent of all arrests, threatening to “overload the prisons,” as Prates (2015) writes; 4,927 were held in prison for nonpayment in a single year. This presents a distinctive problem: mixing people being held for civil and criminal offenses, two categories held morally distinct. When placed in the general population, these men are “subject to ‘the law of the prison,’” notes Prates (2015), “which considers them disrespectful of the family, deserving, then, the same kind of treatment meted out to rapists, who must be held in isolation.” This problem, she continues, has

required that special and separate cells be “kept reserved” to ensure the relative safety of these failing family men. A recent publication by Brazil’s federal Public Prosecutor’s Office put the demand for separation in different but nonetheless direct terms: “It is unreasonable to enroll someone, who owes food but isn’t a criminal, in the school of crime that has developed among the masses in our prisons” (Pinto 2017, 18). These moral justifications come in addition to the word of civil law, laid out in the Code of Civil Procedure, according to which someone who fails to pay their *pensão alimentícia* “must be kept separate from common prisoners.”⁷

And yet there can be no mistaking the inequities that run through the legal system, particularly its cost, both in fees for lawyers and paperwork. Moreover, a clear financial paradigm underpins how judicial orders are produced, or why some fathers become subject to this kind of arrest, and not others. Arrests under family law require a judicial order that is obtainable only with legal representation and significant cost. This cost varies depending on the amount of support awarded *and* the number of children in question. Typically, judicially awarded child support payments amount to about 30 percent of one’s salary, and it can be drawn directly from an employer’s payroll. Lawyers often follow the fee guidelines of the Brazilian Bar Association (Ordem Brasileira de Advogados), which is federated across each of the country’s 52 states. These guidelines spell out the charges for processing a single child support order at three times the value of one month’s support payment. The amount then increases per child, such that having three children requiring an order means paying three times the amount to a lawyer, and each case is stand-alone. Thus the legal fees for processing a judicial order for two children for a father or partner making the average national wage—2,234 reais, or US\$409 per month—are about US\$368.25 per child, or US\$736.50 in total. All fees must be paid by the applicant, usually a mother.

In Brazil, where “Afro-Brazilian poverty rates are twice those of white Brazilians” (Pereira 2016, 4), salary must be parsed in racial terms. Whites make 75 percent more, on average, than *pretos* and *pardos*—Black and brown people—according to the National Institute for Geography and Statistics. The cost for a family of two making the average national salary among the Black and brown population is about US\$541, an unreachable amount, almost the same as one month’s minimum wage. With a judicial order, a nonpayer may have their credit frozen and subsequent bad credit reported to a debt agency, their pay docked at payroll by their employer, and their social security number blocked. Because access to law is hugely constrained, the poor struggle to make judicial claims that would result in outstanding orders for arrest, with clear racialized difference. While public defenders are available, they are swamped with claims. Child support problems remain the single largest body of work for public defenders,

creating long waiting lists and barriers to access.⁸ The logic of legally enforced parental support bears heavily on the lower middle class as an idiosyncratic racial borderline, making access to the law a derivative of money or credit.

These patterns imply that the White family *is* the family. This informs rationales for defending the White family and for defining who threatens it. As women struggle to provide for their children, the criminal justice system banishes thousands, predominantly men, to a carceral population that has grown from 9,972 to 607,000 (575 percent) from 1983 to 2014. Even amid Latin America’s “pink tide” of social democratic governments, large parts of this investment were channeled through national economic stimulus packages (known as PAC I and PAC II) or analogous development funds that boil down to creating jobs for White breadwinners by putting more Black men in prison. Even still, the Black family endures, as it indeed always has, by expanding and folding in new kinds of kin, assuming resilient forms, and creating unparalleled relationality (Hilde 2020). Even still, these families are not immune to the insidious racialization of whiteness, being themselves striated with degrees of whiteness (Hordge-Freeman 2015) that shape belonging and love.

“É pai de família!”

In these conditions, the family man (*pai de família*) becomes a moral touchstone for police to parse whiteness within the conditions of life and death, in terms both literal (police and other killings) and conceptual (sovereignty), determining who must live and who can die. The family man and his specter are an everyday index, one that reliably supports the edifice of whiteness in a city with expansive phenotypic blurring. Here, the family man, and his antonym, are moral metrics that figure heavily in how police make decisions about banal police killings that become justified, or not, shaping decisions to apply the letter of the law—or to shrug it off, even when the evidence suggests that they shouldn’t.

The idea of the family man is interwoven with a notion of being a good citizen, a *cidadão de bem*. For Brazilianists, this hinges on two key social categories, the *trabalhador* (worker) and the *bandido* (criminal), and the distinction between them. While mutually produced, these highly gendered symbolic social types are held to be mutually exclusive in everyday condition, such that a worker cannot be a *bandido*, and a *bandido* cannot be a worker (Jacobina and Costa 2007). It is as though these categories were preordained, and that the ambiguity between were impossible—or not worth acknowledging. Being seen as a *trabalhador* does the work of whitening, implying a *productive* commitment to the ethics of whiteness as status quo and its reproduction as a system of accumulation and dis-possession. It is thus also vital that the *bandido* be seen

in antagonism with the ethics of whiteness and as a subject always already irreconcilable with the possibility of fatherhood—even when he has a family, against the odds. For a woman to be associated with a worker implies her protection, but women adjacent to the *bandido* are antithetical to whiteness, seen by police as *envolvidas*, or “involved” (Zaluar 1983) in the project of threatening the definitive family and property relations, and not possibly the locus of a nurturing family themselves.

For police, the family man is someone who, though perhaps precariously employed, evidences a work ethic and laborious toil, paradigmatically in the materiality of a signed government worker’s card (*carteira de trabalho*) or in a documented history of work in the gray space of the informal sector. With these virtues he can be cast as a breadwinner, a guardian, and a productive part of society, perhaps especially where he shows a commitment to the status quo even when barely scraping by. While he may not be White himself, the worker fulfills the conditions of whiteness, earning a low-level wage in the service of reproducing inequality, as a security guard, food deliveryman, groundskeeper, street sweeper, construction hand, street vendor, or, even, police officer. These categories of work have the economic and aesthetic effect of making whiteness desirable, even if unachievable and foundationally cruel. In this way, police killings of the worker are injurious to both the individual and the status quo, threatening to reveal that those who dedicate themselves to reinforcing the conditions of racial inequality are not actually beneficiaries of the same privileges. Investigations of police killings consistently work through these assumptions, drawing on the “telltale” signs and figurations of social types and what they affectively inspire in exalting some lives over others.

With me in tow, São Paulo’s homicide detectives fielded two kinds of calls—intentional homicides (*homicídio doloso*), committed in the city proper, and homicides by police, or “resisting arrest followed by death” (*resistências seguida de morte*), committed in the greater São Paulo region. The detective team would visit three to five homicide scenes per day on a 12-hour shift. I observed how they described and enacted a moral frame with much discretion, having to decide whether to arrest police officers for killings on the job.

Late one evening a squad of Military Police shot two people, whom the officers described as a “criminal gang,” who were driving a van and allegedly marauding in the east side of the city. Emboldened by a powerful logic of eliminating “criminal elements,” these police took the two as threats to material property, who might stick up others in the city, and sprayed the van with bullets, killing both occupants. Two police had discharged their weapons and provided statements, noting that a gun was found in the car and that they had been shot at—affektive evidence that the two victims were, in fact, criminals.

Having just taken the statements from the police involved, Pedro, a dark-haired detective with a law degree, who is unmistakably White, explained this to me. Pedro’s job was to take cases of killings by police and to decide whether police should be arrested. I’d seen him many times hem and haw on details, deciding whether to stick his neck out and order an arrest—and at least once to shift his nearly taken decision to arrest a fellow police officer after seeing rudimentary prison tattoos on a police shooting victim at the morgue. In this case, though, it became immediately obvious that the police assertion that they had killed two *bandidos* was a lie. There had also probably been an effort to tamper with (*forjar*) the scene by planting a gun, he mused, since the officers, both of whom were White by appearance, realized they were dead wrong.

There was no mistaking who the victims were: precarious but employed workers who had recently moved from the country’s northeastern region, home to a historic sugar monoculture and once a key site of the slave trade. They had employment records and no criminal record, and they were people on the straight and narrow. As the basis of their suspicion, the Military Police had taken them by their appearance as Black and out of place, having—by visual ascription—no notion that they were gainfully employed, nor that the two were husband and wife and driving a delivery van, not a getaway car. For Pedro, all this mattered, but it was accompanied by a more emotive fact—the victims were parents. With the *pai de família* and his wife dead, their family was destroyed, leaving a young child—understood but not spoken of as phenotypically Black—to be raised by someone else in an untraditional home. From where he sat, Pedro saw *a man* who had migrated against the odds and found work in the city, and who was raising a young family, but was now dead through no fault of his own. His children now had no parents, and the foundational conditions for their productive upbringing were shattered. All of it was deeply wrong. According to Pedro, this *pai de família* did not do the work of threatening whiteness; he had embraced its assumptions.

Pedro’s choice now was, in many ways, impossible. The Military Police had made a very bad mistake, and the consequence was that two good people were dead and a home was broken. The logical course of action was to arrest them, both because the case was so egregiously wrong and obvious and because it needed to be known that killing innocent and hardworking people wouldn’t stand. But there was a complicating factor, something that at the time seemed like an ancillary factor. “Mas, quantas famílias deixo sem pai?” (But how many families do I leave without a father?), Pedro said. Pedro’s decision would have an impact on the MPs’ families too. How many families would Pedro need to break apart—one or three? Arresting both officers would be, in Pedro’s own words, “making more children fatherless.” Would creating more broken homes bring justice to the

victims? In the end, Pedro did the unconventional: he ordered the two police arrested, feeling guilty that, though he had done the right thing according to the law—defending the life, memory, and work ethic of the husband and wife—he would be responsible for something almost as bad. He never said it, but he probably knew that these two police would likely be eventually released from the state prison just for wayward police, as indeed almost all police like this are (Bueno and Denyer Willis 2019).

For police like Pedro and Leandro, the question is never whether police should kill and detain, but, rather, whether this violence can be correctly categorized. Theirs is the banal but power-laden work of racial ascription and categorization, tethered immediately to the conditions of life and death. Where racial order can otherwise be a “messy bramble” (Monk 2016, 426), it is useful to see race as a state-enshrined process of social ascription, one that hinges on traits of whiteness and evidence that the subject has a “work ethic,” because doing so reveals why and how privilege is enacted and denied in cases that defy categorization by phenotype. Thus understood, police officers’ judgments can be seen as affective, enacting notions of human worth and innocence that blend with a concern for economic service and production, dedication to family, and appearance. To revisit Gilmore’s (2007) theory, the allocation of whiteness is a state-sanctioned relationship of production, in which the family man and the child operate as both defensible categories and a means to assert the importance of group-differentiated vulnerability to premature death. This echoes a common turn of phrase among Black Brazilians, amid the everyday and explicit denial of race: *If you want to know who is Black, ask the police* (Alves 2016).

Failing the family, and the nation, for the future

Brazil’s Code of Civil Procedure was created in the aftermath of the country’s abolition of slavery. For some, it suggested a new era of human equality, in which no one could be enslaved to another. For others, it became a means of transferring human inequality to the shrouds of liberalism, “to hide the remnants of the slave regime in Brazilian society” (Grinberg 2005, 120). Attention to whiteness and its protection through differentiated punishment, both via civil law, and attention to what constitutes civility are vital to understanding how relations of race and capital accumulation survive, especially through crisis and change, in everyday registers.

If this was noteworthy in 2012, it is vitally important in the current historical moment, with its acute and violent turn toward transparent nationalism. The recent neofascist resurgence, in Brazil and elsewhere (Webber 2020), should be seen in these terms, as hinging the nation back to a dramatic and now transparent reassertion of whiteness and the heterosexual family as an everyday precondition of

sovereignty. In the Brazilian experience, the retrograde moment confronts a series of recent gains for the Black population, significant though deeply incomplete, many of which brought Black people into privileged White spaces like the university, creating new conditions and a “growing move towards claiming blackness” (J. Collins 2011, 692). But these gains also threatened to remove Black people from White spaces, such as the White family, which increasingly could not afford the rising costs of employing a domestic servant. This revealed the audacity of a Black population with ambition and aspiration, removing the blinders that make whiteness supreme. The discomfort with Blackness out of place was channeled into electoral politics, argue Alves and Vargas (2020, 654) where it was leveraged on “the transhistorical symbolic and practical efficacy of foundational antiracial hatred.” A focus on the family, indeed.

It is no mistake that Brazil’s current retrograde project, which brings Black people back in the service of the White family, also marries church, family, and God, a useful, imaginary, and mutually legitimizing trifecta. “Social problems emerge from the moment that the family is estranged,” said Brazilian vice president Hamilton Mourão, an army general and a central political figure alongside President Jair Bolsonaro, in 2018. He went on, “Especially in poor areas, where there is no father or grandfather but instead a mother and grandmother, there is an assembly line of maladjusted men who tend to become involved in narco-gangs.”⁹ Mourão’s statement, though egregious and especially incendiary, is nonetheless axiomatic and common: the family is the bedrock of the nation, *and* it is used to evoke belonging on racial terms. The failure of the White family, largely understood as the deleterious absence of its father figure, implies a breakdown of White life’s supremacy. For others, the absence of a father figure is a useful and long-standing *ex post facto* justification of insufficiency.

A dualistic regime of punishment is required, and it reproduces itself. One mode is for those who are part of nationalism only by virtue of their exclusion from it. The other is for those who embody the nation, defining its White body politic. Or, as Singh (2014, 1094) writes of this reality regarding the colonial-era United States, “the fabrication of race through petty differentiations of violent punishments enacted on the body evolved into more salient distinctions between the punished and the punishers.” Singh notes that Whites were allowed to wear clothes while being whipped, “for dignity and protection” (1094), while Black and Indigenous people were always stripped naked, to a brute absence of dignity and protection.

The selective application of law is, then, a key mechanism for ensuring that whiteness is remediated and not criminalized. Whiteness is not to be put on trial as Blackness is. When whiteness breaks down, it must be held up. It requires an equivocated use of the law, in which the defense of material property demands criminalization, and

the defense of identity property demands remediation. The application of the law is necessary to prevent failing White fathers from becoming a wholesale indictment of whiteness as a political economy.

Far from being specific to Brazil, keeping nations White is a critical state project, one that demands ongoing interrogation. While Brazil's project has long been one to "find new ways of creating whiteness," as Dávila (2003, 5) puts it, I've sought to show how the everyday defense of inequitable life, centered on White preeminence, works through law and legal practice. I have done so, moreover, in a nation-state that is especially indicative of a global capitalist condition premised on the selective prioritization of White history, White family, and White fatherhood.

Whiteness is a fallible form of property to be held, recognized, and revoked. Widely understood to preside over material property and life, police adjudicate this kind property too, and they do this by making mundane decisions and by declining to make decisions, further extending a means of accumulation premised on the use of humans by humans. Alongside capital, the project of the White family made the state, which cannot abide its failure. Acute political crises chronically surround it and use it, from Germany's National Socialists to Bolsonaro and beyond. Regressive nationalists defend it with law, vitriol, and violence against those who would point to all the injustice it carries, show its alternatives, or reveal its fallacies. Defending the idealized White family has long meant defending inequality and subordination. Against this must be a continued embrace of a world with belonging and kin celebrated on expanded terms, against hierarchical divisions of labor, and all the inhumanity and violence long enabled by exalting White men through the family as a banal and institutionalized form of gendered and racialized regency.

Notes

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1. Article 244 of the Brazilian Penal Code with stipulations enacted through Law Number 5.478/68 and other laws enacted thereafter. Article 244 reads, "Failing, without just cause, to provide for the support of a spouse, or a child under 18 (eighteen) years or unfit for work, or an invalid parent or over 60 (sixty) years, not providing them with the necessary resources or missing payment of alimony that is judicially agreed, fixed or increased; failing, without just cause, to help a descendant or ascendant, who is seriously ill." The punishment is described in civil law: Article 733 of the Code of Civil Procedure. The protection of the child is completely codified in Brazil's 1990 Statute for the Youth and Child (ECA).

2. There has been something of a resurgence in police ethnographies of late, building on a rich tradition in the United States and the UK, especially (e.g., Martin 2018; Steinberg 2020).

3. This differs from the experience in the United States, where, starting in 1662, Virginia law stipulated that children's status as born or free would follow that of the mother. This continued a property-oriented rationale that legally enshrined the use and sexual violation of Black women as a means to create a chattel labor force of slaves (Burnham 1987).

4. The categories of people protected by this 1946 law have grown over the years through a series of presidential decrees. They now include politicians, police, judges, leaders of specific unions, pilots, and first- and second-grade teachers.

5. These statistics imply that the problem is of particular concern in southeast and southern Brazil. São Paulo was followed by Minas Gerais (228), Brasília's Federal District (234 over two months), Paraná (102), Santa Catarina (98), Rio de Janeiro (37), Mato Grosso (32), and Espírito Santo (24). Northern and northeastern states, by contrast, had fewer than 10 arrests, if any at all (IBDF 2012).

6. The data from the Conselho Nacional de Justiça do not include the period covered, nor is the infraction specified. Yet the only other kind of "civil prison" that exists is for the antiquated "unfaithful depositor," who promises to temporarily safeguard a good but refuses to return it. The vast majority of those arrested for nonpayment are men.

7. Lei No. 13.105, de Março 2015, Código do Processo Civil, http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/113105.htm.

8. "With no doubt," wrote a public defender recently, "the largest demand for Public Defenders, in civil terms, comes from claims for child support and requests for arrest" (DPEG, n.d.).

9. In a private event for industry members, Mourão went further, describing a linear connection between the so-called *mulambada* (ragged Afro-Brazilians) and "those from the other side of the ocean . . . who brought nothing good" (Agência Estado 2018).

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