



Dilemas: Revista de Estudos de Conflito e Controle Social

ISSN: 1983-5922

ISSN: 2178-2792

Universidade Federal do Rio de Janeiro

Lessing, Benjamin

Governança criminal na América Latina em perspectiva comparada: Apresentação à edição especial

Dilemas: Revista de Estudos de Conflito e Controle Social, vol. 15, Esp.4, 2022, pp. 1-10

Universidade Federal do Rio de Janeiro

DOI: <https://doi.org/10.4322/dilemas.v15esp4.52895>

Available in: <https://www.redalyc.org/articulo.oa?id=563872581001>

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Criminal Governance in Latin America in Comparative Perspective: Introduction to the Special Edition

Benjamin Lessing

University of Chicago, Chicago, Illinois, EUA

Organizers:

Benjamin Lessing (UChicago, USA),

Joana Monteiro (FGV, Brazil),

and Michel Misse (UFRJ, Brazil)

In urban peripheries throughout the world, a startling reality hides in plain sight, at once well-known yet largely out of public view: local criminal organizations govern, as much if not more than the state. At a minimum, they “[*impose*] rules and restrictions on [*the*] behavior” of civilians, as per the broad definition of criminal governance offered in Lessing (2021), and they often do much more. The state, though frequently distant and negligent, is never entirely absent. Residents continue to vote, work in formal parts of the city, send their children to school where possible, and receive such public benefits as are offered. Above all, police can typically enter at will, if not always without a fight. Yet police rarely stay; few states contest criminal governance in a sustained way, even in the midst of militarized “wars on crime”. Instead, tense but stable *modus vivendi* emerge. Usually, if you ask people the generic question, “Who is in charge here?” the answer is clear: it’s a local gang, *mara*, *milícia*, *facção*, *colectivo*, or cartel that is in charge. Residents know it, police know it, politicians know it, and, increasingly, researchers know it.

Criminal governance is puzzling precisely because of this juxtaposition with state governance. Although it is tempting (and sometimes appropriate) to conceptually lump criminal groups together with rebels and insurgents as “non-state armed actors”, doing so elides important differences. For one thing, criminal groups virtually never establish absolute territorial control, and often do not even come close. Police enter the areas in which gangs operate all the time—in fact, reducing exposure to police is one important reason why criminal groups govern in the first place. Rebel and insurgent groups, in contrast, often do establish areas of exclusive territorial control, and it is in these “liberated zones” that rebel governance over civilians most often arises (ARJONA, KASFIR, and MAMPILLY, 2015). Moreover, rebel groups govern as part of an explicit project of “competitive state-building” (KALYVAS, 2006) ultimately aimed at seceding from or toppling the state.

Criminal groups do not have such aims, and criminal governance does not constitute an existential threat, or even a meaningful alternative, to state governance. Rather, it is by nature *embedded* within a larger sphere of state governance. Sometimes, it is physically embedded: many governing criminal organizations, including Brazil’s powerful factions, began as prison gangs and

continue to govern large inmate populations, often obtaining significant autonomy from guards, while nonetheless contained, surrounded by, and subject to the coercive force of the state. Criminal governance can also be embedded in a metaphorical sense: criminal organizations govern illicit markets, like drug retailing, that only exist *qua* illicit markets because states have enacted and enforced prohibition. Indeed, there can be no “criminal” anything without a state to do the criminalizing (e.g. FELTRAN, 2012; KOIVU, 2018).

The term “governance” may seem problematic in its own way, since criminal groups generally do not establish a monopoly on the use of force. On the contrary, areas of criminal governance tend to form “duopolies of violence” (SKAPERDAS and SYROPOULOS, 1997), forcing the subjects of such governance to navigate between the state and criminal authorities that, together yet in opposition, order daily life. In this way, “criminal governance” evades Weberian definitions because it describes situations utterly non-Weberian. Moreover, these situations are not exceptional and transitory, as a perhaps oversimplified reading of Weber might predict, but rather common and persistent. A recent analysis of the 2020 Latinobarometer survey finds that, across Latin America, 13% of all respondents reported governance by a criminal or armed group in their neighborhood (URIBE *et al.*, 2022), corresponding to more than 70 million citizens.

This startling figure conceals enormous variation. What criminal governance looks like in practice, how far it extends into what dimensions of daily life, and how it interacts with state authority all vary immensely from country to country, city to city, community to community. Some organizations impose but a single rule: don’t call the cops; others may regulate residents’ entry and exit, licit commerce, dress, or even religious practices (as Miranda, Muniz, Almeida, and Cafezeiro document in their article in this Special Edition). Many groups ban and punish property and sexual crimes; some provide dispute resolution services, and even limited welfare and infrastructure. An absolutely crucial difference among groups is that some demand security fees from local businesses and tax residents while others do not, living primarily off drug profits and demanding only residents’ complicity during police raids.

Criminal groups also vary significantly in how they govern, how much they govern, and how *well* they govern. Although criminal groups ultimately rely on coercion (i.e. guns and the willingness to use them) to establish ruling authority, some rely more heavily on “soft power” and perceived legitimacy, while others employ punitive and terrorizing violence with frequency. In some forms of criminal governance, power is largely personalistic, flowing from charismatic “bosses”, “*donos*”, and “*patrones*”, whose decisions cannot be easily questioned. In others, power flows more from shared and universal norms, ideals, and procedures, against which individuals’ actions can be judged. Finally, some criminal groups are rather shockingly efficient and efficacious in their governance, capable of producing macro-level shifts in crime rates and other

indicators, while others, in ways reminiscent of weak states, maintain the outward trappings of governing authority without providing much effective governance for those under their rule.

Empirically exploring this variation, and putting it in more structured comparative perspectives, were the driving motivations for this Special Issue. Few are the researchers of informal or peripheral neighborhood in Latin America who have not directly observed some form of criminal governance. Few also are the systematic comparisons made between these diverse realities.

This is in part because of the fundamental difficulty of observing and “measuring” criminal governance. Governments have incentives to downplay or deny its extent and, since it is criminalized and repressed by often murderous police, it is not something residents are necessarily willing to talk about, even if asked. What we know about criminal governance, we know largely from ethnographic observations. Sometimes these observations are inadvertent or unexpected, and can end up appearing as contextual factors in studies on crime, violence, or non-criminal aspects of life in informal or peripheral communities. Even when researchers go into the field with the explicit goal of studying criminal governance, it is common to study a single community, or at most a few communities in the same city or region. The result is often rich and nuanced observation that may even capture changes in local governance over time, but tell us little about how common or exceptional the case at hand is.

To bridge this gap, the call for papers for this Special Issue explicitly encouraged collaborative, comparative, empirical work. All eleven of the selected articles were produced by teams of two or more authors, comparing criminal governance in two or more contexts, generally drawing on empirical data already collected over disparate research projects that began long before the Covid pandemic. While the primary comparative analysis occurs within each article, we also held two workshops with all the contributing authors to share and discuss initial results, to facilitate meaningful comparisons across articles, through the Special Issue as a whole, and with the broader literature on criminal governance¹.

It is particularly fitting that this Special Issue on criminal governance should be published in Rio de Janeiro, because so much foundational research on criminal governance occurred here. In the 1980s and 90s, Rio’s drug trade expanded and came to be organized by prison-based organizations known as *facções*, or “factions” (a misnomer ever in Portuguese but one now universally used). Scholars from a variety of perspectives, both Brazilian (e.g. MACHADO DA SILVA, 1994; MISSE, 1999; SOARES, 1996; ZALUAR, 1985) and international (e.g. GAY, 1993; LEEDS, 1996), and many not initially intending to study criminal governance, found themselves confronted by the transformative changes factions wrought on Rio’s informal *favela* communities.

The increasing militarization of Rio’s drug war over the last four decades contributed to particularly intense forms of criminal governance: local factions built up powerful arsenals for use

against rivals and police, but which also served as a coercive apparatus of governance over civilians. Moreover, governance became a key part of factions' strategies, eliciting residents' loyalty and aid during police incursions (e.g. ARIAS, 2006; BARBOSA, 2005; DOWDNEY, 2003; GRILLO, 2013). Particularly in Comando Vermelho (CV)-dominated communities, factions' willingness to use armed force against police produced a relatively strong form of armed territorial presence, in which state forces can still enter, but usually only do so as part of a major, militarized operation. This scenario approaches—though still falls short of—the sort of thoroughgoing territorial control typical of rebel governance, seen in many civil wars and insurgencies.

If, on the one hand, this intensity made criminal governance in Rio more observable and hence easier to study, it also fostered a view of criminal governance as a direct challenge to the state. Phrases like “parallel power” and “territorial dominion” were common among journalists and officials, and hotly debated by scholars. Meanwhile, with the rise of the Primeiro Comando da Capital (PCC) in the 90s and 2000s, criminal governance in São Paulo took a very different form: a far lighter territorial presence (e.g. BIONDI, 2018; FELTRAN, 2012), and an astonishing disciplinary system involving written codes of conduct, jury trials, and individual “criminal criminal records” for members and affiliates (LESSING and DENYER WILLIS, 2019). The case of the PCC has illuminated the paradoxical relationship between criminal and state governance: simultaneously antagonistic and symbiotic (ADORNO and DIAS, 2016; DENYER WILLIS, 2009).

Meanwhile, a variety of forces have increased the extent and intensity of criminal governance throughout Latin America. The spread of the “faction model” inaugurated by the CV and the PCC to virtually every corner of Brazil (and some neighboring countries) has left urban peripheries divvied up among a handful of criminal organizations, most of which see some form of governance over civilians as part of their broader mission. Mexico's cartel war has produced fascinating cases of largely rural criminal governance, with wide variation across cartels. Colombia's long history of both civil war and cartel conflict has left behind a rich ecosystem of criminal groups, some with generations-old traditions of governance over civilians. Venezuela's ongoing crisis has led a weakened state to openly tolerate and in some cases partner with criminal groups capable of maintaining order over vast, marginalized populations. Central America's prison based *mara* gangs flexed their governance muscle on the street through a series of violence-reducing truces that put them at the center of national politics.² And back in Rio de Janeiro, the ascension of police-linked *milícias* positioning themselves as a lesser evil than the drug factions, suggests an alternative political economy of criminal governance based primarily on extortion and deep penetration of the state security apparatus.

For all these reasons, the time is ripe to broaden the study of criminal governance, to look for it where it has not yet been detected, to refine our conceptual schemes so that they can accommodate

a growing set of empirical cases. Our call asked for comparisons across contexts, but intentionally left open the question of what “contexts” were to be compared; the result is a refreshing variety of approaches, which we have divided into three broad categories. In the first section of this Special Issue, authors compare criminal governance in different countries; in the second, different cities; and in the third, comparisons are drawn among communities within a single city, and in one case, within a single “complex” of favelas. Here, I diverge from this organizational scheme to discuss some of the broader themes and findings that emerge from the Special Edition as a whole.

First, many of the articles deal with transformations or contrasts in how crime is organized, and the implications for urban violence and order. In particular, the arrival of prison-based criminal groups like Brazil’s *facções* can transform the reality of life in urban peripheries, subsuming fragmented street-gang structures into larger city-wide faction alliances. In their contribution, Luana Motta, Rafael Rocha, Ada Rízia, and Adson Amorim illustrate the impact of such transformations by comparing two Brazilian cities, one, Maceió, which has gone through this process, with another, Belo Horizonte, which has not. While both remain subject to gang war and peace, the former is subject to more coordinated swings in violence at the city-wide level, while any given community is likely to be unified under the control of one or another *facção*. In the latter, on the other hand, gang wars are more scattered and unpredictable and can impact intra-community life more intensely.

Ítalo Barbosa Lima Siqueira, Francisco Elionardo de Melo Nascimento, and Suiany Silva de Moraes explore similar transformations of both micro- and macro-scale dynamics of violence in the peripheries of Fortaleza and Manaus and the paradoxical effects and political consequences of criminal governance. As these cities were “factionalized”, residents came to experience both the “pacification” of their communities ending endemic fighting among street gangs, and extreme *facção* violence on a scale previously unheard of.

Gabriel Feltran, Cecília Lero, Marcelli Cipriani, Janaina Maldonado, Fernando de Jesus Rodrigues, Luiz Eduardo Lopes Silva, and Nido Farias develop this idea into a structured hypothesis about the driving causes of macro-level homicide rate variation in four Brazilian cities. In one of the key arguments made in this Special Edition, they draw together quantitative data and rich ethnographic accounts to show how inter-faction dynamics have become the primary driver of large-scale swings in urban violence in Brazil today. Sergio Adorno and Arturo Alvarado make a similar argument in their nuanced comparison of Mexico City and São Paulo. These two megacities, among the world’s very largest, have stark differences in criminal dynamics, due, the authors suggest, to the multiplicity of criminal actors in the former and the hegemony of the PCC in the latter. Finally, Juan Martens, Roque Arnaldo Orrego, Ever Villalba, Ricardo Veloso, Luís González, and Francisco Delgado’s fascinating analysis of Brazilian factions’ penetration of

Paraguay's border zones illustrates the restructuring of criminal governance in real time. They also offer invaluable insight into the micro-level effects of these changes in criminal structures on crime—state relationships in a context of thoroughgoing corruption.

A second core theme emerging from the articles is the idea that different types of criminal groups govern in different ways. Looking across both the wide variety of criminal groups governing in very different contexts, and certain commonalities among them, we can discern two or perhaps three ideal types. One ideal type derives most of its income from drug retailing in the peripheral zone it controls; it does not tax residents and often actively provides public goods, part of a general strategy of winning residents' loyalty. Its relationship to the state is mostly mediated through violent yet corrupt interactions with police, though it may try to sell access to voters in the regions it controls. A second ideal type instead presents itself as protecting the community, often from drug-trafficking groups. This type lives primarily off "tax" revenue extracted from local business and residents through various mechanisms often including direct extortion. It may earn some drug rents too, but it will generally not acknowledge this openly. Critically, this group is likely to enjoy better connections to the political class, and often faces less police repression.

Empirically, the distinction between these two sorts of criminal organization is perhaps clearest in Eduardo Ribeiro, Luis Eduardo Soares, and Miriam Krenzinger's comparative study of Rio, where police-linked *milícias* arose specifically to counter prison-based drug-retailing factions, and have proven far more adept at penetrating the political system.

The *colectivos* of Caracas, discussed in two articles, also clearly enjoy significant access to political actors, with important consequences for their strategies. In their contribution, Roberto Briceño-León, César Barreira, and Jania Perla Diógenes de Aquino compare Fortaleza in the Northeastern state of Ceará to of Caracas, Venezuela. In a finding that resonates throughout the Special Edition, they argue that Fortaleza's *facções*—among the strongest in Brazil outside of Rio and São Paulo—are primarily motivated by illicit economic gain, while Caracas's *colectivos*—which have long enjoyed informal ties to state actors—pursue primarily political gains. The fruit of these gains include limited formalization and legitimation by the state, and even access to state resources, potentially allowing them to forego taxation. Indeed, it may even constitute a different form of governance altogether. In their subnational comparison of Caracas' *colectivos* with its newly formed *megabandas* (closer to the drug-trafficking ideal type), Verónica Zubillaga, Rebecca Hanson, and Francisco Sánchez distinguish the criminal governance practiced by the *megabandas* from a more collaborative form of governance which the *colectivos* have established through their ties to the Chavez and Maduro governments.

This suggests a potential third ideal type, one that is able to (partially) formalize its activities and in certain respects merge or integrate with the state (BARNES, 2017). The deep connections between state security forces, the politics of repression, and the rise of *milícias* in Rio and of

autodefensas in Michoacán is explored by Antonio Fuentes Díaz and José Cláudio Souza Alves in their contribution. Meanwhile, although not the primary focus of their article, Martens et al. provide an intriguing portrait of criminal governance under Paraguay's dictatorship—largely controlled by army officers—and its fragmentation since the transition to democracy. Taken together, these articles suggest (to me at least) a provocative hypothesis: *milícia*-type criminal governance may be more thoroughgoing, and develop further toward forms of integration, formalization, and collaboration with the state, under authoritarian regimes. In any case, the relationship of criminal governance to regime type is a promising avenue for future research.

Finally, some contributions point to interesting similarities among seemingly different types of organizations. Daniel Bonilla-Calle, Emerson do Nascimento, and Marcela Vergara Arias contrast Brazilian factions in Maceió, with gang and mafia-like organizations in Medellín, and with criminal remnants of demobilized paramilitary groups from Colombia's civil war. They take advantage of the Covid-19 pandemic to explore how criminal governance responds to a crisis that in theory demanded governing authorities—both state and non-state—to intervene in daily life. Yet they find that none of these different criminal organizations were particularly involved in lockdown measures, perhaps not surprising given how unpopular such measures are among the governed.

In a countervailing—and deeply troubling—finding, Ana Paula Miranda, Jacqueline de Oliveira Muniz, Rosiane Rodrigues de Almeida, and Fausto Cafezeiro document and analyze a trend toward religious intolerance and violent repression by criminal groups. In Rio, they show, both factions and *milícias* have been increasingly targeting Afro-Brazilian religious practice, which evangelical leaders often denounce as demonic or evil. Both types of criminal group, the authors argue, can find violent evangelism useful because it permits the fusion of religious authority with their own armed political authority. This can be an attractive strategy for establishing and retaining dominance, however historically retrograde and disturbing we may find it.

With so many articles covering such diverse contexts, an overview can only scratch the surface; many additional findings and insights are contained within. The variety of theoretical and methodological perspectives makes clear the particular importance of cross-disciplinary work on criminal governance. Above all, the empirical detail from a broad range of Latin American contexts provide, we hope, a more complete picture of criminal governance today and how it affects the lives of those governed. It has been a special privilege to be able to bring together so many talented and engaged scholars from across the region. I thank **Dilemas**, Necvu/IFCS/UFRJ, Fundação Getúlio Vargas (FGV), the University of Chicago, the organizing and selection committee for this Issue, and of course the contributing authors, for the opportunity to do so.

Benjamin Lessing, co-organizer of the special edition.

Notes

¹ While the organizers offered participants a conceptual framework (LESSING, 2021) as a potentially useful tool, there was no expectation that authors employ it in their articles, and indeed some have not, while others have adapted it to their own purposes. This is in keeping with the framework's original intent.

² A major lacuna in this Special Edition is coverage of Central America; one clear avenue for future research is to integrate the findings presented here with research on the *maras*.

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BENJAMIN LESSING (blessing@uchicago.edu) é professor associado de ciência política e Diretor do Center for Latin American Studies na University of Chicago (EUA). É doutor em ciência política e mestre em economia pela University of California, Berkeley (UC Berkeley, EUA). É autor de *Making Peace in Drug Wars: Crackdowns e Cartels in Latin America* (Cambridge University Press, 2018).

 <https://orcid.org/0000-0001-5443-2528>