

Hiding in Plain Sight: The Puzzling Pervasiveness and Persistence of Criminal Governance

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Throughout Latin America, from rural zones to the informal neighborhoods of its largest cities, a startling reality hides in plain sight: local criminal organizations govern, as much if not more than the state. At a minimum, they impose rules and restrictions; often they resolve disputes, enforce property rights, and even provide welfare and infrastructure. The state, for its part, may be negligent or distant, but is never entirely absent. Residents retain a form of citizenship, however “low-intensity” (O’Donnell 1993): they can and do vote, obtain licenses and (sometimes) deeds, pay utility bills, use public health services and schools, and receive whatever benefits are on offer. State forces, moreover, can typically enter at will, if not always without violence. Yet when they do, they rarely stay for long. Ask people “Who is in charge here?” and the answer is usually clear: it’s the local gang, or *pandilla*, or *milícia*, *façção*, *colectivo*, or cartel, that’s who. Residents know it, police know it, politicians know it, and, increasingly, researchers know it.

Criminal governance, as this phenomenon has come to be called, has important consequences at many scales. It shapes the daily lives of tens of millions of Latin Americans, for better and for worse. Gang rule can be violent and unforgiving, but it can also be responsive and effective. It can make marginalized neighborhoods, ironically, places where residents don’t need to lock their doors, even if they must also pay extortionate protection fees and taxes on basic commodities. For inmates in overcrowded and violent prisons, it can bring basic physical safety and an end to systematic rape, theft, and assault. In both settings, it can offer critical protection from abuse at the hands of the state. At the same

time, it makes those governed beholden, and forces them to navigate a treacherous and schizophrenic landscape of overlapping criminal and state authorities.

Criminal governance can also bring order to the criminal underworld, delineating turf, settling beefs, and organizing local crews and gangs into larger, often prison-based structures like Brazil’s *façções* (factions) or Central America’s *maras*. This too has paradoxical effects, pacifying neighborhoods with endemic gang skirmishes while also making possible city- or region-wide criminal conflicts of civil-war intensity. When the criminal underworld becomes highly organized, sometimes into just a handful of groups, macro-level measures of crime and violence depend overwhelmingly on whether these groups are at war. This can give criminal groups an important bargaining chip with elected officials, and leads to (often correct) speculation that sharp drops in homicide rates are the result of government-initiated pacts.

Zooming out even further, as criminal governance becomes an ingrained fact of life in ever-expanding prison systems, urban peripheries, and even some rural areas, it can affect larger sociopolitical processes. It likely plays a key supporting role in urbanization and economic development, which would become unviable if peripheries were permanently anarchic. At the same time, it facilitates ongoing neglect and hardline repression by the state, and stands in the way of true democratic consolidation and universal, full citizenship.

Despite invaluable contributions from scholars across disciplines, including the authors in this dossier, the study of criminal governance is still in its youth. The phenomenon is hard to observe and characterize, not only because it is illegal, and thus often concealed, but also because state officials have incentives to downplay or deny its existence. Ethnography provides the best, and perhaps only, direct observations, though usually only in single settings. In well-studied cases like Rio de Janeiro, Medellín, and El Salvador, such observations slowly aggregate up to rich and nuanced bases of knowledge (e.g., McCann 2006). These in turn have provided indispensable grounding for more recent comparative, experimental, and econometric work. But for the region—and the world—as a whole, the true extent, range of variation, underlying causes, and possible remedies all remain poorly understood. What we can say with confidence is that criminal governance is pervasive, varied, persistent, and puzzling. I consider each of these characteristics in turn, after a brief overview of the concept itself.¹

What Criminal Governance Is, and What It Is Not

First, what it is not: the term *criminal governance* is occasionally used to criticize forms of state governance that authors see as repressive, illegitimate, or illegal (often in terms of international human rights law). It is also frequently conflated with corruption, especially the involvement of state agents in illegal activities, or the penetration of criminal actors into state offices. These usages muddy the water and should be avoided. Criminal governance is carried out by criminal (i.e., criminalized) groups, not state agents, and is logically independent of corruption, a point I return to below.

At its core, criminal governance involves the imposition of rules and restrictions by an armed criminal group. Most commonly, it refers to governance over noncriminal “civilians,”² much

as “rebel governance” refers to insurgents’ rule over noncombatant populations (Arjona, Kasfir, and Mampilly 2015). However, a critical difference with rebels is that criminal organizations also frequently govern illicit markets, criminal activity, and the underworld in general. Governing civilians versus criminals may seem wildly different—the first a shocking incursion into what should be the sole domain of the state, the second a natural or even defining characteristic of organized crime (e.g., Gambetta 1993; Schelling 1971). Criminal groups’ internal governance, something all organizations have, might appear even further off topic. Yet it is useful to include all three in a broad definition of criminal governance, for two reasons. First, the boundaries between members, affiliates, new recruits, their families, and noncriminal “civilians” are porous and hazy. Second, the governing practices and institutions that criminal groups develop at one level often spill over into another.

Although criminal governance is often compared to governance by states and rebels, or lumped in with other forms of nonstate governance (Skarbek 2011), it differs from all of these in at least one critical respect. Scholars of state formation have found organized crime a powerful and vivid metaphor: states can be usefully analyzed as protection rackets (Tilly 1985), “stationary bandits” (Olson 1993), or, in their “primitive” state, essentially “gangs” (Skaperdas and Syropoulos 1997). Yet real protection rackets, illicit firms, and gangs arise in worlds where states already exist and indeed wield great power over criminal groups. For the same reason, criminal governance is fundamentally unlike forms of nonstate governance that arose in truly stateless times and places (e.g., Milgrom, North, and Weingast 1990).

Similarly, while it is sometimes useful to analyze criminal groups together with rebels and insurgents as “nonstate armed actors,” doing so elides a critical fact: criminal groups virtually never establish absolute territorial control and

¹ The next section summarizes the conceptual framework offered in Lessing 2021.

² Strictly speaking, criminal actors are civilians too, of course, but the intended distinction is meaningful, if not always empirically clear.

often do not even come close. Police enter the areas in which they operate all the time—in fact, reducing their 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 and assuming its mantle. Criminal groups do not have such aims, and criminal governance does not constitute an existential threat, or even a thoroughgoing alternative, to state governance.

Rather, criminal governance is by nature *embedded* within a larger sphere of state governance; indeed, embeddedness can be seen as its distinguishing characteristic (Lessing 2021). Sometimes it is physically embedded. Many governing criminal organizations begin as prison gangs, and continue to govern large inmate populations while nonetheless contained, surrounded by, and subject to the coercive force of the state. The urban peripheries where gangs govern typically abut more formal regions with strong state presence, with police often demarcating the frontier. 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), their subjects caught between the state and the criminal authorities that together order their lives. As such, criminal

governance evades Weberian definitions because it refers to utterly non-Weberian situations. Moreover, these situations are not exceptional and transitory (as a naive reading of Weber might predict), but rather pervasive and persistent, two characteristics to which I now turn.

Criminal governance is pervasive

Accumulated ethnographic and journalistic research has documented criminal governance throughout Latin America, in countless communities both urban (e.g., Arias 2006; Dudley 2020; Feltran 2010; Moncada 2021) and rural (e.g., Blume 2021; Duncan 2015).³ Yet these observations surely constitute but a sample of a larger universe. Precisely how much larger is impossible to say with confidence given the current lack of systematic data, but my coauthors and I (Uribe et al. 2022) have produced a provisional estimate using the 2020 Latinobarómetro survey, which for the first time contained questions related to the issue.

Fully 46 percent of respondents across the 18 countries surveyed reported the presence of “organized crime, armed groups, narco groups, or gangs” in their communities. A follow-up question then asked what roles these groups play, and 13 percent included “control robberies, improve security” or “keep order” among their answers (other options include “extortion” and “use violence”). If these results are, as Latinobarómetro claims, nationally representative, then an astounding 79 million people in Latin America live under some form of criminal governance.

Obviously, these estimates are very rough. Perceptions of crime can be notoriously disconnected from objective reality, and respondents may underreport out of fear and “social-desirability bias,” or overreport if they interpret the questions to be about their entire municipality rather than neighborhood. The questions’ wording may also mean the results include “armed groups” not usually

³ Not to mention the US (Sánchez Jankowski 1991) and even the UK (Campana and Varese 2018).

considered criminal, like guerrillas, although the concentration of governance in large urban versus rural areas, and in countries without active insurgencies, suggests that this is not a major factor.

In any case, at least 5 percent of respondents in every country surveyed reported the presence of a criminal group engaged in governance activities, a surprising finding on its own. Also surprising, governance was relatively high in countries not especially associated with organized crime, like Costa Rica (12 percent) and Ecuador (10 percent). On the other hand, Brazil—home to the world’s most powerful prison gangs and some of the most extensive criminal organizations in the world—was off the charts at 25 percent. This may reflect the spread of its prison-based “factions,” especially Rio’s Comando Vermelho (CV) and São Paulo’s Primeiro Comando da Capital (PCC), to virtually every state, and with them the practice of high-profile prison-orchestrated terror attacks, coupled with their strong identity as governing groups in peripheral communities (Lessing 2022). In a 2021 national survey, 91 percent of Brazilians reported some likelihood of factions in their neighborhood (Fórum Brazil UK 2022).

Criminal governance is varied

These startling figures 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, and over time. Some organizations impose but a single rule: don’t call the cops; others may regulate residents’ entry and exit, licit commerce, dress, and hairstyles, or even religious practices (Miranda et al. 2022). Many groups ban and punish robbery, theft, and sexual crimes; some provide dispute-resolution services and even limited welfare and infrastructure. One crucial difference among groups is that some demand security fees from local businesses and even tax residents, while others fund their governance

almost entirely from drug retailing or other illicit activities, and demand only residents’ complicity during police incursions.

Criminal groups also vary in how they govern and how *well* they govern (Magaloni, Franco-Vivanco, and Melo 2020). All criminal groups ultimately rely on coercion (i.e., guns and the willingness to use them) to establish ruling authority, but some lean more on “soft power” and perceived legitimacy, others on punitive and terrorizing violence. In some forms of criminal governance, power is largely personalistic, flowing from charismatic “bosses,” “*donos*,” and “*patrones*,” whose decisions cannot be easily questioned (Hirata and Grillo 2017). In others, power flows more from shared and universal norms, ideals, and procedures, against which individuals’ actions can be judged (Biondi 2016). Finally, some criminal groups—São Paulo’s PCC is the most extreme example—are rather shockingly efficient and efficacious in their governance, capable of producing major shifts in crime rates and other indicators (Lessing and Denyer Willis 2019). Others, tragically reminiscent of weak states, maintain the outward trappings of legitimate authority—founding statues, bylaws, ruling councils, and so on—without providing much effective governance for those under their rule.

Criminal governance is persistent

While it may be too soon to say for places like Ecuador and Costa Rica, in leading cases, criminal governance has proven remarkably persistent.

Perhaps the starkest example is Rio de Janeiro, whose informal favela communities have, almost since their inception at the dawn of the twentieth century, relied on informal local bosses (*donos do morro*) of one sort or another to provide local order (Fischer 2022). At times these were simply local authority figures, or the “bankers” who ran the city’s traditional *jogo do bicho* numbers racket (Misse 2007). Since the 1980s, when the Comando Vermelho expanded from prison to dominate the booming retail drug trade operated from Rio’s favelas, these bosses have been drug lords, figures demonized by the police and political elites and subject to lethal

and increasingly militarized policing (Leeds 1996; Zaluar 1985) Despite nearly 40 years of such brutal state repression and violent rivalries with other criminal groups, the Comando Vermelho today controls more favela territory than any other single armed group and dominates the lucrative retail drug markets of the city's wealthy South Zone.

Similarly, Medellín's low-income barrios have been home to street gangs (*combos*) with local governance capacity since at least the mid-1980s, only briefly substituted by guerrilla-linked urban militias in the early (Martin 2014). Since then, *combos'* provision of governance has steadily grown (Gutiérrez Sanín 2004), most dramatically in the late 1990s, when they were integrated into a citywide militarized hierarchy under the paramilitary leader and international drug trafficker known as Don Berna. A brief *pax monopolista*, known locally as *donbernabilidad* ("Don Bernability"), brought sharp reductions in Medellín's homicide rate but collapsed in the wake of Berna's extradition, sparking a violent war for succession. In spite of this, *combos'* governance only grew stronger, as they turned to protection fees and drug retailing as a primary source of revenue to replace Berna's largesse. A wave of arrests of the city's top crime bosses in 2018–2020 has similarly had little effect on the day-to-day governance that its neighborhood *combos* provide.

Additional cases abound. São Paulo's PCC expanded its rule from the prison system to the city's vast periphery in the early 2000s, coinciding with a transformative drop in its homicide rate from 66 to under 10 per 100,000 (Biderman et al. 2019). Twenty years later, despite (or because of) a steadily rising incarceration rate, the PCC's hegemony in the periphery remains unchallenged, and São Paulo remains Brazil's lowest-homicide state. El Salvador's *maras* subsumed street-level *klikas* into their prison-based structures in the early 2000s, forcing them to systematically extort local businesses, and presumably provide some form governance in return. Their capacity to control violence was made clear in 2011, when a state-negotiated pact brought a 50 percent reduction in homicides

almost overnight (Cruz and Durán-Martínez 2016). Yet even after the pact collapsed and consecutive governments instituted increasingly repressive anti-gang campaigns, the *maras* still retain significant control over homicide rates. So much so, in fact, that President Nayib Bukele was willing to risk his public image as the most brutal hardliner of all by trying to secretly negotiate a pact of his own. Venezuela's *megabandas*, which formed in prison and came to govern significant swathes of slum territory around 2010, survived an astonishingly lethal police onslaught in 2015–2016, emerging strong enough to strike an unusually overt pact with the Maduro government in 2017 (Zubillaga, Hanson, and Sánchez 2022). In a nice touch, the pact was called Zonas de Paz, apparently in reference to the original 2011 *mara* pact in El Salvador.

Criminal governance is puzzling

The phenomenon of criminal governance presents a host of puzzles for researchers to grapple with. The most straightforward may be, Why govern in the first place? From local street crews banding together for a sense of identity and protection to international drug cartels overwhelmingly motivated by profits, it is not obvious why criminal organizations would expend resources on establishing ruling authority over nonmembers. Indeed, if the Latinobarómetro results are any guide, most criminal organizations do not govern civilians. Yet many do, often quite intensively.

One plausible answer is that governance itself is a kind of illicit business line, allowing organizations to charge protection fees, extort businesses, and tax utilities and staples. Taxation of one form or another is a common feature of criminal governance. Indeed, in El Salvador the demands by imprisoned *mara* leaders for extortion profits from street-level affiliates seems to have been the motivation for them to provide what little governance they do. But here another puzzle arises, since many criminal organizations do not appear to tax at all. The contrast is sharpest in Rio, where the Comando Vermelho and rival factions

typically sell drugs but do not tax, while its police-linked *milicias* typically tax while eschewing retail drug trafficking (e.g., Arias and Barnes 2017).

But perhaps the most enduring puzzle concerns the state. If it is the essence of modern states to successfully claim a monopoly on the use of force (Weber 1946), why do so many Latin American states conspicuously fail to do so? The generally urban character of criminal governance adds to the puzzle, since state power presumably emanates outward from the metropole. The obvious answer is that states lack the necessary capacity to eliminate criminal governance, and in some sense this is almost undeniable. Yet the persistence of criminal governance makes this answer unsatisfying. Governing criminal groups have survived brutal and sustained repression by states whose capacity, by most measures, has grown over time. Even if some specific capacity were lacking when criminal governance first arose, why not reorient the necessary resources to acquire it?

Here it is tempting to blame corruption. To be sure, corruption abounds in Latin American states, especially where drug profits are a factor; it would be naive to ignore it. For many criminal organizations, systematic bribe payments are a part of business as usual (e.g., Lessing 2018; Snyder and Durán Martínez 2009). And if officials and agents stand to benefit personally from continued criminal governance, they may have little incentive to fight it.

Yet the personalistic benefits to state agents of criminal governance differ profoundly from those of other illegal activities. Neither the state nor its agents get any inherent benefit from, say, drug trafficking; any benefit comes in the form of bribes, at the expense of the traffickers. In contrast, states and their agents can and do benefit directly from criminal governance, because they share a common interest in order (Lessing 2022). Guards, wardens, and even governors all benefit when gangs pacify prisons, even if it leaves the gang stronger. Police may find they have an easier job if local gangs take on quotidian governance tasks in marginalized communities. Critically, the order criminal groups

provide is, like all order, a public good, with the quality economists call *non-excludability*: once that gang provides it, the state and its agents cannot but benefit from it. This alone could help explain the persistence of criminal governance, with no pact, negotiations, or bribes required.

Conclusion: The Road Ahead

The study of criminal governance thus points to less familiar forms of crime-state relations, a realm of consensus and symbiosis (Adorno and Dias 2016; Denyer Willis 2015), in which the activities of one actor produce, unconsciously at times, benefits for the other (Lessing 2021). Of course, corruption remains a central issue, and research on Latin America's drug wars and criminal groups has made critical progress by developing key concepts like "state-sponsored protection rackets" (Snyder and Durán Martínez 2009), "grey zones" of collusion between state agents and criminal actors (Auyero 2007; Trejo and Ley 2020), and even full-blown "integration" of criminal groups into the machinery of the state (Barnes 2017). Yet these analytic frames alone may fail to capture aspects of the underlying strategic relationship, producing blind spots and misdiagnoses.

As criminal governance becomes entrenched in prisons and peripheries, states become dependent on it not so much for the illicit profits it generates but for the order it provides. The very policies that contribute to criminal governance—hardline drug repression, militarized policing, mass incarceration, and generalized neglect of peripheral communities—are themselves sustained by it. Bringing the study of criminal governance as crime-state symbiosis into our analyses of broader issues like state building, democratic consolidation, and economic development is critical to understanding Latin America today and charting a course for a more just and equitable tomorrow.

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