Critical Debates

New Avenues in the Study of Crime, Violence, and State in Latin America

Mart Trasberg

Marcelo Bergman and Gustavo Fondevila, *Prisons and Crime in Latin America*. New York: Cambridge University Press, 2021. Figures, tables, appendix, notes, bibliography, index, 261 pp.; hardcover $99.99, paperback $34.99, ebook $28.

James H. Creechan, *Drug Wars and Covert Netherworlds: The Transformations of Mexico's Narco Cartels*. Tucson: University of Arizona Press, 2021. Figures, abbreviations, notes, bibliography, index, 392 pp; hardcover $100, paperback $35, ebook $35.

Yanilda María González, *Authoritarian Police in Democracy: Contested Security in Latin America*. New York: Cambridge University Press, 2020. Figures, tables, notes, bibliography, index, 250 pp.; paperback $34.99, hardcover $99.99, ebook $28.

Eduardo Moncada, *Resisting Extortion: Victims, Criminals, and States in Latin America.* New York: Cambridge University Press, 2022. Maps, figures, tables, abbreviations, appendix, notes, bibliography, index, 300 pp; paperback $34.99, hardcover $99.99, ebook $28.00.

Guillermo Trejo and Sandra Ley, *Votes, Drugs, and Violence: The Political Logic of Criminal Wars in Mexico.* New York: Cambridge University Press, 2020. Maps, figures, tables, acronyms, appendix, notes, bibliography, index, 422 pp; paperback $34.99, hardcover $105.00, ebook $28.00.

The increase of crime and violence in Latin America in recent decades has had a profound resonance in the field of criminal politics (Barnes 2017). Important academic work has focused on questions such as the causes of the unprecedented rise of violence in various countries and the various patterns of cooperation and conflict between the state and criminal actors. The five books discussed in this review essay expand importantly the terrain covered by criminal politics scholarship in the region. The authors bring in a series of new dependent and independent variables in the study of criminal violence and state responses to these processes.

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 DOI 10.1017/lap.2022.61

First, these works bring regime type, elections, and partisan alignments to the heart of the issue of varying state responses to crime and violence. It has long been puzzling that the consolidation of democracy in the region has coincided with an unprecedented rise of criminality since the 1990s. The books reviewed in this essay offer several novel contributions in this regard. Yet they also demonstrate that autocratic legacies in state-criminal relations—patterns of interaction between criminal agents and state institutions that become path-dependent after democratic transitions—still continue to affect outcomes long after democratic consolidation.

Second, the books offer a pathbreaking analysis of the two public institutions charged with public security in Latin America: police and prisons. They ask how different variables trigger police reform and analyze the causes and consequences of the expansion of the prison population in Latin America. These works give a nuanced picture of the political incentives related to transformations within these institutions. They also expand the conceptualization of criminal activities in Latin America. Most Latin Americans experience crime not through direct exposure to lethal drug violence but via property crimes and everyday victimization related to extortion by criminal groups. These issues emerge as important outcomes to be explained.

New Approaches to the Mexican Drug Wars

While the rise of violence in Mexico's criminal wars has been a subject of diverse scholarship, the books by Trejo and Ley and Creechan each provide a novel explanation for this phenomenon. Previous works have highlighted the role of individual economic incentives, the effects of law enforcement activities, and the competition between criminal organizations (Lessing 2017; Magaloni et al. 2019). While state-criminal interactions are considered crucial in the previous scholarship, Trejo and Ley's *Votes, Drugs and Violence* puts regime type and elections at the center of this story.

Observers have long noted that the spread of multiparty competition and subnational opposition victories against the long-ruling PRI (*Partido Revolucionario Institucional*) coincided with the intensification of intercartel violence, but no academic work has yet shed light on the connections between these processes. This is the task undertaken by Trejo and Ley. The first important contribution of their book is a sharper conceptualization of criminal violence compared to previous works. The authors differentiate between the initial outbreak in the 1990s, the intensification and expansion of the war to spheres of local politics and civil society after 2006, and the creation of full-fledged criminal governance regimes in many subnational areas after that. The authors treat these processes as different "dependent variables" to be explained.

The early outbreak of violence was caused by the breakdown of the PRI authoritarian criminal governance structure in the democratization process. As documented in the previous scholarship, Mexican state actors had developed a complex web of mutually beneficial relations with criminals during the PRI's

https://doi.org/10.1017/lap.2022.61 Published online by Cambridge University Press

one-party rule. The authors call these interconnections a "grey zone" between criminal activities and the state, which assured relative peace among the criminal actors. The expansion of electoral competition and turnover in the 1980s and 1990s dismantled old pacts between state actors and drug-trafficking organizations, creating fragmentation and competition among drug cartels, which eventually led to increased violence. In that sense, Trejo and Ley clearly show how important legacies of the authoritarian state shaped the drug war.

Yet partisan turnover cannot explain the unprecedented upturn in violence in the post-2006 period, when electoral contestation had become a norm. While the conventional wisdom connects violence with President Felipe Calderón's PAN (*Partido Acción Nacional*) policy to send the army against the cartels, it is less useful in explaining the subnational variation in violence outbreaks. Trejo and Ley demonstrate compellingly that this variation could be better explained by partisan alignments between the federal government and the nation's 32 states. In the context of intense political struggle between the right and left after the 2006 presidential elections, the governing PAN favored its copartisans at the state and municipal levels by providing more military and financial support to aligned governors. This logic of federal protection also influenced the strategies of criminal organizations, which took advantage of a window of opportunity to contest their competitors' control over the drug business in nonaligned municipalities. In many municipalities, criminal actors started putting in place "criminal governance regimes," engaging in activities such as extortion and kidnapping that went beyond drug trafficking. Most strikingly, in many places criminal organizations have tried to directly influence political outcomes by murdering mayors and party candidates in order to consolidate their de facto power.

The book draws on a mixed-methods design, combining statistical analysis of original datasets of murders related to criminal organizations and violence against public officials with quasi-experimental methods and process tracing through case studies. While Trejo and Ley have provided the most compelling explanation for the Mexican violence wave so far, the reader cannot help wonder to what extent these electoral and partisan variables travel to other countries experiencing intense outbreaks of violence (El Salvador, Honduras, Colombia, Venezuela, and Brazil). Electoral variables are likely to matter there as well, but the mechanisms through which they operate are likely to be different. Given the idiosyncrasies of the Mexican case—especially its democratic transition—the in-depth exploration of electoral mechanisms in other countries could add to our understanding of the causes of mass outbreaks of violence.

James H. Creechan's *Drug Wars and Covert Netherworlds* asks similar questions. How did Mexican criminal and state actors develop a peaceful order in the heyday of PRI rule? And why did this criminal order break down on the verge of the twenty-first century? Although this book lacks an overarching theoretical framework, it offers several novel contributions for understanding the historical development of relations between the Mexican cartels, business actors, and the state, as well as the rise of violence in the 2000s. By narrating the story of the Mexican cartels,

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Creechan takes the individual agency of different historical and contemporary actors seriously, something that is often omitted from recent works focusing on institutional or structural economic factors, particularly in US academia.

Similarly to the "grey zone" described by Trejo and Ley, Creechan conceptualizes the criminal underworld as a "covert netherworld," where criminals and government and business elites work together in a mutually beneficial web of relationships that are hidden from the public eye (27). Creechan gives a fascinating descriptive overview of the historical rise of Mexican drug organizations and their connections with the state and business elite. He tracks the origins of the criminal underworld in the Golden Triangle region (involving parts of Durango, Chihuahua, and Sinaloa) in the 1970s and 1980s. During this period, crucial figures like Félix Gallardo routinized connections with state coercive agencies, which provided traffickers with necessary immunity and protection. The development of "sophisticated contractual arrangements of traffickers with government and businessmen" allowed Mexican cartels to expand internationally and formalize international links with the Medellín Cartel and other Colombian suppliers (94).

In exploring the rise of violence, Creechan's account differs from that of Trejo and Ley and other works stressing institutional or structural economic variablesin that it connects the increasing violence with the individual agency of cartels and their leaders. The Sinaloa Cartel dominated drug-trafficking operations in the decades before the 2000s. The rise of the Gulf Cartel in the 2000s was a crucial factor that contributed to the outbreak of conflict on a massive scale. The Gulf's decision to utilize never seen before violent tactics—particularly a militia force (the Zetas) made up of highly qualified deserters from the Mexican special forces units—forced other cartels to build up their own violent private armies as well. These new militias constituted virtual invasion forces, relying on military tactics and terror to take over drug routes. This arms race led to the normalization of violence after 2004, as disputing factions failed to renegotiate peaceful power-sharing arrangements.

Creechan's writing style and fluent narrative make the book appealing for a wider readership beyond academia. The book is based on fascinating Spanish-language secondary sources largely unavailable to English-language readers. For instance, the author builds heavily on the investigative journalism of Anabel Hernández to describe the inner workings of the Sinaloa Cartel and one of its leaders, "El Chapo" Guzmán. In this sense, the lack of coherent theoretical framework and original field data does not hinder the contribution offered by this book. The book provides several novel hypotheses for further testing and data gathering. Future empirical work should explore whether the presence of different cartels had a divergent effect on violence outbreaks through interaction with other institutional and structural variables.

State Actors and Crime: Police and Prisons

While much scholarship has explored the rule of law and judicial systems in Latin America, less work has focused on other institutions related to state responses to

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the explosion of criminal violence in the region. Yanilda María González´s *Authoritarian Police in Democracy* fills a crucial gap in this area, centering on one of the public institutions involved, the police. Lack of accountability, extrajudiciary killings, torture, infiltration by criminal organizations, and corruption have long plagued the region's police forces. In addition, access to state protection is heavily determined by existing hierarchies of race, class, and geography.

Why has it been so difficult to reform violent and poorly functioning police services, which constitute major pockets of authoritarianism? What explains the rare successful reforms in some countries and subnational units? Similarly to Trejo and Ley's analysis, both the legacies of authoritarianism and electoral logic under democracy explain the conditions under which politicians choose to undertake reform. While police forces were a fundamental part of the repressive apparatus in authoritarian regimes, reforms such demilitarizing, decentralizing, raising recruitment standards, and establishment of civilian oversight mechanisms have largely been absent after transitions. Unlike the army, the police were not seen as a threat to democratic stability, which explains why police reform efforts were largely off the agenda in the critical juncture moments of democratic transitions.

However, the reproduction of these patterns is deeply rooted in democratic processes. González points to a fundamental political dilemma in the provision of public security: elected leaders must find a subtle balance between citizen demands for *mano dura* policies providing security and respect for democratic principles of human rights. Given that the police play a central role in the implementation of these political demands, the imperative of winning elections provides the police with structural power in democratic systems. For instance, police chiefs could create uncomfortable situations for politicians by scaling back patrols and arrests, leading to increased violence, which could prove embarrassing for mayors, governors, and local politicians. This gives politicians strong incentives to engage in accommodation and beneficial exchange with police commanders, who can leverage this power to prevent reforms. González shows compellingly that reforms improving police performance are unlikely in this scenario.

Yet the most interesting part of González´s analysis shows that reform has been possible in some limited circumstances, providing a potential recipe for future would-be reformers. Two conditions, robust political competition and a large scandal that damages the credibility of the police, must be present for the situation to be modified. Given that the electorate's preferences are aligned on the issue of police corruption and violence during scandals, this situation gives politicians electoral incentives to overcome the police´s structural power and implement reform.

González's book is based on deeply researched case studies of the state of São Paulo in Brazil, Buenos Aires province in Argentina, and Colombia, using original qualitative data from interviews with key actors, participant observation, and archival materials. Yet a potential concern regards the sustainability of this type of reform undertaken in the face of scandal. How to make sure that reforms triggered by temporary shifts in public opinion to demand change in police practices really constitute critical junctures and that the old practices cannot return?

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The structural power of the police is likely to persist in a high crime context, and police chiefs always have incentives to return to old practices once scandals are forgotten. While González provides a compelling path for would-be reformers, other paths might be explored in future research.

Marcelo Bergman and Gustavo Fondevila´s *Prisons and Crime in Latin America* explores several novel questions in relation to prison systems in Latin America. The importance of incarceration as an object of study is critical: the number of inmates in Latin America almost quadrupled between 1992 and 2017, from 408,000 to 1,519,000 (1). Whereas the existing studies have been largely qualitative and ethnographic, Bergman and Fondevila are the first to take up this debate in a comparative way, using quantitative evidence from eight countries. While providing very valuable descriptive evidence on the situation of Latin American prison populations, the authors tackle a series of important causal questions: Why have Latin American governments expanded their prison systems? Does the increase in incarceration rates have an effect on crime and violence?

The main novel contribution of the book centers on the consequences of mass incarceration. Bergman and Fondevila argue that the expansion of incarceration has not contained crime, but instead has contributed to the increase of drug crimes, extortion, property crimes, and violence. Poorly executed mass imprisonment policies have encouraged inmates to quickly return to crime once they get free or to conduct criminal activities within prison walls, contributing to the development of prison gangs controlling illegal activities outside. Given the high profits made through illicit activities, the incarcerated are usually quickly replaced by newcomers with very low opportunity cost. Poverty and structural exclusion therefore definitely play into this situation, while government rehabilitation policies have largely been missing. The authors argue compellingly that this dynamic constitutes a vicious circle: families become indebted while supporting the incarcerated relative (often the breadwinner), and the debt forces the former inmate to quickly return to crime after serving the sentence (14).

What led to the development of this "incarceration state" in Latin America? The authors offer some tentative answers, but further theoretical and empirical work is needed to shed light on this important question. It is clear that the expansion of policing and other policy changes, such as harsher penal codes and lengthier sentences producing more imprisonments, figure among the proximate causes. Yet the deeper root causes of the rise in mass incarceration receive a less profound treatment in the book.

The authors suggest that economic factors are likely to play a role: the development of markets for stolen goods and drugs, both increasing the returns to crime. Yet the shifts in public opinion and electoral incentives stressed by González seem to be a more plausible explanation. Stocking the prisons became electorally popular when crime increased and citizens demanded a tougher law-and-order approach. Fear of crime and decline of social solidarity both fed this development, and political leaders, in turn, have structured their electoral strategies around it. While some important work has centered on this so-called punitive

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populism (Bonner 2019), future work should explore the connections between public opinion, political strategies, and outcomes related to prison populations.

The most interesting contribution of Bergman and Fondevila's book is to present some strikingly original descriptive data on Latin American prison populations. While previous studies have largely relied on qualitative approaches, the authors have compiled an impressive dataset based on survey evidence in eight countries: Argentina, Brazil, Chile, Costa Rica, El Salvador, Honduras, Mexico, and Peru. The authors show the "voice of inmates" through original survey questions instead of the heavily unreliable official crime statistics used in previous work. Especially valuable are the comparative insights on prison conditions: the survey questions provide data on overcrowding, poor provision of basic needs, insufficient rehabilitative programs, and limited support for reentry into society (26).

New Avenues for Conceptualizing Violence: Citizen Responses to Extortion

Eduardo Moncada's pathbreaking *Resisting Extortion* opens a fresh horizon for understanding criminality and violence in the region. Moncada builds on the intuitive insight that most Latin Americans experience crime not through direct exposure to lethal drug violence but via everyday victimization related to extortion by criminal groups. As documented by Trejo and Ley, Creechan, and many others, criminal organizations have established de facto criminal governance regimes in many subnational areas in Latin America, and extortion forms a crucial part of their activities. Given that local law enforcement is often directly captured by these groups, the state is a crucial contributor to these extortion practices. Yet since reliable data are so hard to obtain, this topic has not yet received sufficient attention in the literature.

Although millions of Latin Americans experience it daily, extortion raises some important puzzles. In many neighborhoods and communities, criminal organizations completely dominate local citizens, and the latter have very few options other than to comply with the criminal abuse. In other settings, however, locals are successfully resisting abusive practices and even mounting counteroffensives against local criminal governance regimes. In many places, vigilante groups have emerged to contest criminals, while other localities resort to more cautious strategies of everyday resistance.

Moncada's book makes a compelling first effort to make sense of these puzzles. Although it deals with issues of pressing policy relevance, the book's theoretical framework is true to the best tradition of historical institutionalism, stressing the sequential effect of different variables and necessary and sufficient conditions. Moncada explains the success and failure of resistance with three variables: the time horizons of criminal actors; the structure of the local political economy, which determines collective action capacity; and police capture by criminal organizations.

https://doi.org/10.1017/lap.2022.61 Published online by Cambridge University Press

The length of time horizons of criminal groups determines whether citizens are able to mount any challenges. When criminal actors have long time horizons - they hold a monopolistic control of local resources and act from a position of strength - it is indeed very difficult for communities to resist collectively, and they rely instead on practices of everyday resistance and individual negotiation with criminal factions. Under these conditions, criminal organizations rely less on outright predation and also sometimes provide services to citizens, such as public security (Magaloni et al. 2019), which reduces incentives for open rebellion against the criminal governance regime. By contrast, with short time horizons—when criminal organizations are not in a monopolistic situation locally—citizens have greater incentives and opportunities to openly contest extortion.

However, the actual form of resistance varies according to the presence of other factors. Local collective action capacity depends on the character of the local political economy—the connections between business organizations suffering from extortion and the state institutions. When the local political economy is "encompassing"—when strong bonds of trust and robust decisionmaking structures exist locally—businesses and state actors can mobilize together against criminal organizations. In an atomized and segmented political economy, where multiple subgroups fight for influence, collective organization is more difficult.

Victim strategies also depend on whether the police are taken over by criminal organizations. If the police are captured, victims avoid incorporating police into their resistance strategies and instead target police and state agents with extralegal violence. Communities often unite against both criminals and police through the strategy of "collective vigilantism," if encompassing institutions exist. If the police operate independently from organized crime and local institutions are encompassing, citizens and police can join together for the "coproduction of order." Often police can offer valuable help to the resistance,such as protection from other parts of the state that are complicit with criminals. Moreover, Moncada argues that even when strong collective action capacity is lacking, community members can still cooperate with police through the strategy of "piecemeal vigilantism," usually involving sporadic acts of extralegal violence through which individual police and victimized community members contest criminal extortion without forming permanent alliances.

Given the importance of these factors, it seems that the inclusion of long time horizons as a "sufficient condition" to deter resistance activities could be somewhat unwarranted. In many cases, victims have mounted successful challenges even in the face of overwhelmingly strong criminal organizations. It is especially likely when businesses, civil society, and police unite against dominant criminal organizations through "coproduction of order" strategies. For instance, Ley et al. (2019) document that indigenous communities in the Mexican state of Guerrero successfully mobilized against drug-trafficking organizations by transforming their customary governance traditions into regional ethnic autonomy regimes, allowing for broad cooperation.

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Yet Moncada's effort to bring the agency of victimized groups to the forefront is an extremely valuable effort of theorizing. Given the hidden nature of extortion, data are notoriously difficult to come by. The book is based on process tracing of municipal and submunicipal cases from El Salvador, Colombia, and Mexico. Moncada uses an impressive array of evidence from interviews and focus groups with the victims of extortion, police, politicians, government officials, journalists, and other actors. While the case studies often seem merely illustrative and by no means exhaustive tests of the theory, these hypotheses could be tested in future quantitatively oriented research. List experiments could be one potential avenue for testing sensitive questions related to individual experience with extortion and resistance.

Conclusions

The books reviewed in this essay open several new avenues for analyzing criminal violence in Latin America. First, these works allow scholars to expand the conceptualization of criminal activities in the region, taking extortion and other nonviolent activities, such as property crimes, as relevant outcomes to study. This is particularly appropriate, given the facto control of criminal organizations in many subnational regions and the development of criminal governance regimes. As Moncada argues, many forms of criminal activities are not one-time acts but ongoing processes, and future research should explore in greater depth these practices, probing beyond violent clashes between drug-trafficking organizations.

However, it is striking that the criminal politics scholarship has largely focused on the causes and has given less attention to the political and economic effects of different illicit activities. As Bergman and Fondevila point out, the obstacles to causal identification are substantial. While spatial regression discontinuity designs and clever instrumental variables could allow researchers to grasp the effect of cartel violence on economic and social development and political behavior, violence is still likely to be correlated with most socioeconomic variables affecting those outcomes, leading to biases in the analysis. But the more nuanced effects of persistence and transformation of public security institutions, such as police and prison systems, must be studied as well. For instance, further work needs to be done to better understand the effect of mass imprisonment on different types of crime (e.g., cartel violence vs. property crime). Given the potential for a sharper conceptualization and measurement of their dependent variables, researchers should have an easier time justifying their research designs there.

The books reviewed document various channels to understanding how democratic transitions and electoral variables, such as partisan alignments and politicians' electoral strategies, relate to violence outcomes and the change and continuity in institutions of public security, such as police and prisons. The authors show how violence has emerged with the transitions from autocracy to democracy and accompanying economic and political changes. Autocratic legacies have important path-dependent effects, but as Trejo and Ley and González demonstrate, the nature of democratic competition is a more relevant factor in

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determining the nature of state-criminal interactions and institutional outcomes related to public security. The exploration of these electoral mechanisms in a broader set of countries is in order. For instance, while partisan alignments are likely to structure the access to financial and coercive resources to fight criminal violence, other important variables, such as particularities of national party systems and cleavages, could matter as well.

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