

# State and criminal violence in Latin America

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Published online: 16 September 2016

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**Abstract** Most explanations of the high levels of violence in Latin America and the Caribbean have focused on economic factors, cultural variables, and drug wars. In this article, I argue that it is necessary to bring the state back into the analysis of criminal violence by examining the many ways in which the state directly contributes to violence. State agents contribute to the escalation of criminal violence in the region by extending the legal limits of the use of legitimate force, by tolerating and supporting the employment of extralegal approaches to deal with crime and disorder, and by partnering with criminal groups and militias. They do this while seeking legitimacy and constructing political authority. The modern-day participation of state institutions in the reproduction of violence stems from the particular mode of state development in Latin America, which has tended to outsource and negotiate the means of legitimate force with different social actors. Processes of democratization of the last three decades unintentionally opened the space for more violent contestation by emergent state-related actors.

In February 2007, members of the investigations unit of the Guatemalan national police killed and burned the bodies of three Salvadoran congressmen in a remote rural area in eastern Guatemala. The alleged perpetrators were later killed in mysterious circumstances while in detention in a maximum security prison. Although investigations were protracted for years and no definite conclusions had been reached by 2015, Guatemalan and Salvadoran politicians have been indicted in that case [1]. In December 2009, the director of the national antidrug administration in Honduras was killed by a group of hitmen comprised by members of the National Police. An official investigation, which concluded that the main suspects were high-ranking police officers working for drug traffickers, was quickly shelved and covered-up by top Honduran authorities [2]. In September 2014, a group of students was attacked by local police forces in the city of Iguala, Mexico. According to different inquiries, six people were

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killed and 43 students were taken and “disappeared” by law-enforcement units. An independent panel of experts, invited to investigate the case by the Mexican government, has contested the authorities’ account of events and questioned the government’s commitment to conduct a full and transparent investigation. The panel has also pointed out new evidence suggesting the involvement of federal security forces in the disappearance of the students [3].

These cases illustrate the extent of criminal activities perpetrated by Latin American state institutions. Guatemalan, Honduran, and Mexican institutions are particularly egregious cases, but similar phenomena also appear in several Latin American countries besieged by criminal violence. The cases of top government officials regularly involved in criminal activities reflect an important peculiarity in the wave of violence in Latin America: the participation of state agents as perpetrators and partners in criminal structures. In this essay, I contend that to understand the elevated levels of violent crime in Latin America it is necessary to study the participation of the state and its operators as perpetrators of criminal violence.

Latin America is the most violent region in the world regarding common crime. This is hardly news. Since the 1990s, organizations such as the Inter-American Development Bank and the World Bank have been warning Latin American governments about the extremely high levels of crime in the region [4, 5]. Year after year, statistics reveal signs of worsening, hitting new highs boosted by drug wars and street gangs. The latest consolidated reports on homicide rates based on data from 2012 suggest that the region’s average surpassed 20 murders per 100,000 inhabitants long ago [6]. By 2015, Latin America and the Caribbean were home to eight of the top ten most violent countries in the world [7]. In some of the countries of the so-called Northern Triangle of Central America (El Salvador and Honduras), Venezuela, and the Caribbean (Jamaica and Trinidad and Tobago), homicidal violence appears to have gone out of bounds, with rates ranging from 50 to 103 homicides per 100,000 inhabitants. In Venezuela, for instance, approximately 128,580 people have been killed between 2001 and 2011, averaging 11,689 murders per year [8]. Guatemala, Colombia, and Belize register rates greater than 25 homicides per 100,000 inhabitants. And Brazil, with the largest population in Latin America, is just above the regional average, although in absolute terms, violence there far exceeds any of the others [9].

Criminal violence in the region encompasses different and multifaceted phenomena. Most explanations of the high levels of violence in Latin America have focused on three areas: economic factors and inequality [10–12]; social and cultural variables, such as urbanization, social capital, and norms [13–16]; and contextual precipitants, such as drugs and weapons [17–19]. A current trend is focusing on drug trafficking and criminal organizations as the main drivers of violence in the region [20–22], and a recent study has shown the multidimensionality of the causes of violence in the region [23].

However, following a long tradition in criminology, most explanations stress the importance of actors and processes located in the society as opposed to state and government institutions. According to these views, crime in several countries of Latin America would be the result of a chaotic social order resulting from economic disparities, social relations, and transforming norms and values. Another thread in the scholarship has addressed the issues of corruption and inefficiency of state institutions when dealing with crime [23–26]. However, most of the analyses of state capacity and

its relationship to crime and violence focus solely on incompetence, corruption, and the scant public trust in the criminal justice system. Such perspectives are, partly, the result of the notion that the arrival of democracy in several Latin American and Caribbean countries would curb violence generated by authoritarian institutions and would eventually lead to a political order less conducive to social violence [27].

Although society-centered factors are certainly behind the prevalence of crime in the region, the flood of reports that indicate the participation of state agents in incidents of non-political violence suggests that we may have scrapped the role of the state all too quickly. In fact, there is another consideration that is usually neglected when explaining violence, especially in Latin America and the Caribbean. This is the state as a fundamental actor in today's criminal violence. In many countries, the state plays a primary autonomous role in the production and perpetuation of criminal violence. Aside from conventional institutional incompetence contributing to corruption and impunity, in many instances the state is directly responsible for the acts of violence suffered by the population. At first glance, this may appear to be an exaggeration because there is sufficient evidence that a good deal of violence affecting the region is caused by gang members, drug-traffickers, and common criminals. Even accepting the participation of state agents in the crime wave in Latin America, the portion that can be attributed to them is no greater than that corresponding to other actors. In fact, according to the UNDP, only 2 % of residents of Latin America and the Caribbean see the police and the military as major threats to their personal security [18].

However, state institutions are not ordinary players in the dynamics of contemporary criminal violence. A murder committed by a felon is not the same as one perpetrated by a police or military officer; an extortion ring run by gang members is not the same as one composed of a group of police officers; and a drug dealing operation that is covered up by businessmen is not the same as one that is protected by police chiefs or politicians. The participation of state agents in criminal activities increases the repercussions of crime, reproduces impunity, makes state institutions partners in crime, and transforms the parameters of legitimacy of the regime, particularly if it is a democracy. In fact, as I argue in this essay, the contemporary involvement of the state in many forms of violence can be construed as means to build and restore legitimacy and authority in a region in which, according to Centeno and Ferraro [28], the state has regularly been seen as no more than an elite protection mechanism.

Thus, to understand the elevated rates of violence in the region, it is necessary to bring the state back into the analysis of criminal violence, especially in the Latin American region. The problem of the state and its institutions not only has to do with ill-designed policies or with poorly trained police officers, as is frequently argued. It lies with historical processes of state formation and transformation. In some cases, as in Central America, those processes of state building were intrinsically connected to democratic transitions, which despite the reforms wrought by them, could not wipe out the authoritarian practices of the past. Nor could they replace the patronage-based political systems that, according to Waldmann [29], are at the base of the shortcomings of the rule of law in Latin America. Political transitions could not transform the ways in which the state relates to its citizens, provides security and upholds the legal order because they could not transform what Desmond Arias calls the localized order that perpetuates violence [30]. In other cases, especially those in which the state had experienced an important level of development, as in Mexico or Venezuela, significant

political changes led to the rearrangement of local orders that created hybrids of security governance between government officials, private actors, and even criminal elements. As Dewey [31] has documented for the case of Argentina, this reorganization not only prevented state institutions from granting security and keeping order. Most importantly, it weakened the mechanisms of political accountability: it never created strong lines of representation between citizens and incumbents and it failed to develop institutional restraints among state agencies as it incorporated new dynamics of representation and power.

In most literature about criminal violence and state institutions, the wave of crime is viewed as the indirect result of weakening states, which are increasingly unable to exert control over their territories and establish a social order based on the rule of law [22, 32]. The argument is that crime has exploded in the region because states not only have been unsuccessful in reestablishing strong and effective security apparatuses and criminal justice systems, but they have also failed because their structural weakness has prevented them from dealing with the essential problems associated with the generation of crime [24]. In line with these interpretations, common violence would be the result of two related phenomena. First, loss of the capacity of the state to uphold the monopoly on legitimate violence and contain violent actors, drug traffickers, gangs, and common criminals [33, 34]; and second, the state's failure to prevent citizens from taking justice into their own hands [35, 36].

The argument of state weakness bears heavily on the Weberian normative view that Latin American states were supposed to monopolize the legitimate use of force. However, the problem with the state-weakening view is that in several Latin American countries, the state has never been able to monopolize the legitimate exercise of violence effectively. With the exception of Chile, Costa Rica, and Uruguay—which maintain low homicide rates in the region—Latin American states never developed complete and effective systems of authority across their territories [28, 29, 37]. Therefore, rather than weakening, states have often had to adapt and renegotiate new systems of local authority to deal with conditions and social actors brought out by electoral democracy and globalization.

In any case, the habit of speaking of weak states in juxtaposition to desirable strong states, capable of controlling crime, has regularly led scholars and officials to two problems. Firstly, on the theory level, academics have conceived the Latin American state as an anomaly, an entity that due to episodes of bad governance has veered off the normative state model established by the European experience portrayed by Weber [38]. Secondly, policymakers have been seeking responses to violence and criminal organizations in the strengthening and consolidation of the state, as if the main challenge to successfully dealing with crime in the region is to figure out how to turn bureaucratically feeble states into efficient and far-reaching apparatuses of rule. While the proposition that it is essential to underpin the institutional framework of many Latin American states in order to tackle crime is a valid one [39, 40], the excessive focus on the debate of strong states versus weak states has hampered exploration of the complexities surrounding the role of the state in common violence. In many cases, this debate has led us to dead ends where the solutions to crime lie in bankrolling and expanding increasingly autonomous law-enforcement institutions that wind up being extremely corrupt, unaccountable and generating even more violence.

In recent years, contributions from Enrique Desmond Arias [41], Diane Davis [42], Kees Koonings [43], Jenny Pearce [44], Peter Waldmann [29], and others have underlined the multifaceted participation of the state in the production of violence. For some of these authors, current criminal violence is intrinsically linked to contradictory processes of democratization, which enable reformed states to continue preying on their citizens [45–47]. Others have stressed the ways in which the state participates in the organization of security governance in collaboration with non-state violent actors [31, 48–50]. In this paper, I draw on these contributions to build a typology of the ways in which the state directly contributes to criminal violence in Latin America. In doing so, I advance the proposition that we cannot understand the upsurge of criminal violence in the region without exploring the modes used by contemporary states and their agents to build and assert political authority in a context characterized by fragmentation of power and the privatization of public security. This quest for asserting authority through the use of violence is not always necessarily motivated by recovering territorial supremacy but by the need to build political legitimacy.

Here, I understand the state very much along the lines of Rueschmeyer, Evans, and Skocpol. They define the state not as a coherent body of institutions, but as a “set of organizations invested with the authority to make binding decisions for people and organizations juridically located in a particular territory and to implement these decisions using, if necessary, force” ([51]: 46–47). This conception acknowledges the ability of these organizations to articulate their own goals, independent of the interests and demands of society [52]. Such autonomy allows state representatives to deploy force not only to serve their interests but also to redefine mechanisms for political legitimation at the local level [53].

### **The state’s contribution to violence**

Depending on the existing legal framework, and whether or not the activities are overtly criminal in nature, we can categorize violence originated by the state into three basic types. First, is the violence that is practiced within the framework of anti-crime policies. These events occur within the bounds of the law, although these limits are stretched during alleged periods of emergency. This has often involved transformation of legal frameworks and expansion of the limits of legitimate force to grant a greater margin of discretion to the police and military [54]. The “zero tolerance” policies of many countries is an example of this sort of program.

Second, is the violence perpetrated by state agents that is blatantly illegal and falls within what can be considered abuse and violations of basic rights. These actions are often carried out in collusion with external actors and with the approval—sometimes tacit, sometimes explicit—of top authorities. They include the execution of suspects, the use of torture during investigations, and the creation of militias in order to eliminate criminals and political adversaries. The frequent cases of extrajudicial executions carried out by police officers across the region are an example of this type of violence [55].

Third, is violence committed by state representatives that is conspicuously criminal; namely, the violence exerted by officials who use their positions to conduct, commit, and cover up felonies. Participation by Argentinean, Mexican, and Venezuelan police

officers in extensive racketeering networks and criminal organizations is an obvious case in point. Also, states contribute to violence in more subtle but no less important ways when authorities justify abuses and downplay unlawful killings perpetrated by security forces. In post-transition Latin America, many states are still trapped in institutional configurations that incite violent collective action against some groups, while disregarding the legal framework on which they base their rule. An example of this is incumbents' appeals to disregard human rights protections for suspects of crime or gang membership [56].

In practice, these types of violence frequently overlap. For instance, social cleansing groups organized by politicians may use emergency crackdowns on crime to camouflage extrajudicial executions and police abuses. At the same time, public officials may establish links with organized crime to finance political operations that would allow them to enhance their legitimacy among the electorate. In the following paragraphs, I explore how these modes of state participation in violence come to materialize in different Latin American contexts, and why they are so prevalent in some Latin American countries to the point of contributing to the crime wave that engulfs a large part of the region.

The former does not mean that all states in Latin America face the same ordeals regarding violence, nor does it suggest that state formation processes and organization are uniform across the region. To be sure, there are important differences in the way each Latin American state wields violence to build authority and legitimacy. But as Centeno and Ferraro [57], Pearce [44], and Waldmann [29] have advanced, there are some shared characteristics and historical legacies in Latin America that help explain the extraordinary levels of criminal violence that plague this region of the world. The typology that I propose here illustrates the diverse forms in which states distinctively engage and contribute to such violence. It also shows how all those forms of state participation are intrinsically linked to the structural features of the state in Latin America.

## **Extending the limits of legitimate force**

The state remains the primary source of legitimate violence in contemporary societies, but it is not the only source. In many Latin American countries, it was never the sole source. Before the political transitions of the late twentieth century, in several Latin American countries, limits on state violence were established by the special relationship between the elites and the internal security forces, usually under the command of the military [55, 58, 59]. Despite the existence of legal and constitutional frameworks, this relationship implied that fundamental security tasks were principally focused on protecting oligarchic interests and maintaining the economic subordination of a large portion of the population. Even in cases where civilians controlled the regime, as in post-revolutionary Mexico, the state used overwhelming force to contain threats from labor and subaltern mobilization [42]. Laws were frequently reformed or manipulated to submit political competitors to the established order.

When transitions from authoritarian rule became a proto-democratic wave, they established new limits on the use of state violence. In some Latin American countries, such as Central America, political transitions purposely redefined the use and practice

of state violence. In other countries, as in the South Cone, transitions reestablished the parameters for oversight and democratic accountability, attempting to limit the discretionary power of what Tilly [53] calls violence specialists. Yet, in most countries, even in those that did not undergo political transitions, judicial and police reforms aimed to restrain abuses and violations coming from the state [39]. The deployment of state force was no longer supposed to be defined by the needs of national security, the containment of the communist threat, or the arbitrary protection of elite interests. Rather, it was delimited by the rule of law and respect for human rights [60]. However, the establishment of electoral regimes and the democratic reorganization of Latin American societies brought new and diverse stakeholders to the state apparatus, increasing its autonomy from the traditional circles of power and creating conflicts between the newcomers and the representatives of old regime institutions. Old political operators, nevertheless, clung to their local dominions in key institutions, sparking muted conflicts with new and contending social actors landing in the state.

Simultaneously, political and institutional reforms were accompanied by an escalation in citizen insecurity. In some cases, this increase was the product of an actual rise in the crime rate, but in others it was the result of citizens' greater sensitivity in the face of social rearrangements generated by political transformations. Changes placed more pressure to state institutions to seek legitimation in the electoral arena and in policy responses. In addition, the understanding of security in the international arena underwent significant changes after the fall of the Berlin Wall, and especially following the terrorist attacks of 9/11. The United States pushed toward hardening the fight against the unconventional threats of drug trafficking and transnational organized crime. Some scholars started to see common criminal groups as the seeds of greater menaces from non-state armed organizations and terrorist networks [61, 62]. As a result, many Latin American states were caught up in ambiguous and erratic practices concerning public security and the administration of justice. Paradoxically, ambitious institutional reforms were cut short or reframed by initiatives to toughen norms in the fight against crime.

In several instances, security operators from former regimes used the rhetoric of the new threats and resisted the transformations in criminal justice systems by using hard line programs. In particular, they utilized fear and insecurity as an argument to undermine reforms and to curb the development of accountability mechanisms. It is in this context in which zero tolerance programs were implemented in many Latin American countries [63]. The New York experience, which was loosely used as a model, was adopted in many countries as an argument for more severe laws and crackdowns, in several cases with disregard for human rights and accountability mechanisms. These programs included steep increases in prison sentences and a significant growth of incarcerated people, as well as the criminalization of some behaviors and restrictions on certain liberties. In some cases, public security policies were redefined as national security policies and, following in the footsteps of Washington in the war on terror, offenses committed by organized crime, or those against the public order, were reclassified as terrorist crimes [64].

Policies of this nature were implemented in the region's largest countries—Argentina, Brazil, and Mexico—, but some of the most notorious experiences with these strategies, and their counterproductive impact on levels of crime, can be found in Central America. There, zero tolerance policies, also known as *mano dura*, were

developed by central governments. Security programs focused on combating youth gangs (known as *maras*), which had been identified as the greatest threat to public security. These anti-gang programs extended the scope of police powers, increased the severity of sentences, and unleashed massive police operations [65]. These plans were accompanied by a discourse that justified the use of excessive force as the fundamental backbone of public security.

In the war on youth gangs in Central America, governments captured thousands of youths suspected of gang membership over a period of two years in the early 2000s. Figures are especially staggering in Guatemala and El Salvador. From 2003 to 2005, police agencies arrested more than fifty thousand gang members in those two countries combined [66, 67]. As a consequence, police abuse and prison overpopulation multiplied. Human rights organizations denounced an increase in cases of police mistreatment and a marked deterioration in prison conditions [68]. By the middle of the decade, there were over ten thousand gang members in jails across northern Central America [69]. Riots and massacres—in some cases with the participation of state forces—became frequent in Honduran, Salvadoran, and Guatemalan prisons. The gangs, who in the late 1990s were a secondary security problem, took advantage of their presence in the detention centers: they became the new prison bosses, increased internal cohesion, established links to organized crime groups in Mexico and Colombia, and created extensive racketeering networks [70].

As a consequence of hard-line policies, infamous gangs such as MS-13 did not disappear. On the contrary, they became powerful criminal groups with the capacity to extort large sectors of the population, negotiate with drug cartels and challenge the state. Similar processes had occurred in Brazil some years ago with the formation of groups such as the “Comando Vermelho” in Rio de Janeiro and the “Primeiro Comando da Capital” or PCC in Sao Paulo, which had emerged from Brazil’s prisons [71, 72].

As Diane Davis [42] has stressed, the severity of the anti-crime programs in the region, deployed by non-transparent institutions, contributed to conditions leading to the exacerbation in levels of violence and the deterioration of public security. Many wobbly governments sought legitimacy by declaring “total war” on crime, gangs, and delinquency. In so doing, not only did they justify the state’s excessive use of force and ignore fundamental liberties and human rights, but they also created the conditions for criminal bands to legitimize their violent actions. One good example of this was the series of large-scale attacks by the PCC in May 2006, in Sao Paulo, which paralyzed the city for ten days and produced hundreds of victims. They were a response to the gradual hardening of prison policies in the state of Sao Paulo [71]. In seeking legitimacy, several Latin American states extended the legal limits of the use of force so far that they ended up setting the tone for retaliatory violence from criminal groups and contradicting their role of providing security to the population.

## Backing extralegal violence

Although many governments have extended legitimizing limits on the use of force to the point of endangering the physical safety of their citizens, there is another type of violence exerted by state agents that clearly exceeds any legal framework, even those established as extraordinary measures during crusades against crime. Yet, government



officials condone and often promote it in their efforts to bolster legitimacy and restore authority among the population. This extralegal violence takes different forms. The most significant can be summed up in three type of practices: extrajudicial executions committed by state agents, operations carried out by social cleansing groups or death squads composed of police and military personnel, and the active but covert promotion of militia groups or mobs led by political entrepreneurs linked to official institutions. In practice, these kinds of actions overlap; e.g., police that systematically execute suspects often participate in illegal social cleansing groups or foster their formation in alliance with businesspeople and local politicians.

Frequently these cases are viewed as just isolated incidents of corruption in security institutions in the post-authoritarian era, although they are a legacy of past performances [59, 73]. But in some countries affected by violence, these practices and groups are so widespread and yet connected to political power that their persistence indicates that there is a pattern of tolerance and support from state institutions, which becomes essential for the functioning of the political system. In several cases, such support comes from top governmental levels or key officials at the local level. In Colombia, the paramilitaries grew and strengthened under the protection of politicians and the army to counteract the guerrilla insurgency [74]. In return, paramilitaries end up not only profiting from criminal activities but also underpinning the electoral performance of those politicians, including President Uribe [33].

Extrajudicial executions committed by police and members of the armed forces are probably the most visible manifestation of this sort of violence. In Brazil, for instance, 1890 people were killed by police forces during 2012, an average of five per day [75]. This is not a new trend. According to data collected by Mercedes Hinton from Amnesty International reports, around nine thousand murders were committed by the police in the states of Rio de Janeiro and Sao Paulo in Brazil from 1999 to 2004 [76]. Most of these murders were justified as “personal defense.” Brazil-based researchers found that, in the past, these executions had increased in Rio de Janeiro under the impetus of the “bravery” awards, which increased salaries up to 150 % and were conferred preferentially to agents who participated in armed confrontations with suspects. Although these policies ceased in 1998, extra-judicial executions are still frequent in Rio [77]. Brazil stands out because it is one of the countries that have most documented this sort of practice. However, these types of activities have also been frequently reported in Argentina, Colombia, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, and Venezuela.<sup>1</sup>

In the Dominican Republic, nearly 14 % of the 2121 homicides perpetrated during 2012 were committed by police officers as a result of extrajudicial executions or victims allegedly caught in the crossfire during shootouts [78]. In El Salvador, as part of his report to the nation about the fight against crime, the President informed that 30 % of homicides occurred in March 2015 were perpetrated by the police in clashes with criminal gangs [79]. In Honduras, the head of the Internal Affairs Unit of the Preventive Police directly implicated the Minister of Security in the murder of young people accused of belonging to gangs and noted the existence of squads inside the police force in 2002 [80]. In Guatemala, for many years now, several organizations

<sup>1</sup> For a detailed and up-to-date account of state agents' participation in extrajudicial killings, see: In Sight Crime, available at <http://www.insightcrime.org> (accessed 20 May 2014).

have been denouncing the existence of clandestine armed groups embedded in state structures. These groups have been carrying out murders that at first glance seem to be the result of common criminal activity, but a closer look reveals a pattern suggesting the systematic selection of individuals involved in work on human rights and justice [81].

Illegal groups are often endorsed and promoted by institutions and state agents, which, however, may not always participate directly in them. Support from state structures in the creation and development of social cleansing and paramilitary groups has also been documented in Brazil, Colombia, El Salvador, Paraguay, and Mexico. In all these cases, illegal groups have operated under the protection of powerful elements in security institutions and the political establishment. Although their advertised objective is to combat crime, in practice, these groups also contribute to the undermining of security institutions, maintaining impunity in the systems of justice, and reproducing violence for political ends.

In other cases, political activists operating under the protection of powerful politicians, police chiefs, and local incumbents nurture the formation of short-lived mobs, gangs, and militias who loot, social-cleanse and punish political rivals in contested electoral districts. A recent example of these groups is the Venezuelan urban “colectivos,” government-backed militias that have been acting against government protests, and are also allegedly linked to organized crime activities [82]. On several occasions, these initiatives have been masked as attempts to claim some sense of popular justice. In Argentina, for instance, during the turbulent period of the economic crisis in the early 2000s, members of the Peronist party, which controlled several local government institutions, directed episodes of disruptive collective violence against small businesses and local stores perceived of as being associated with political competitors. According to Auyero, this looting was carried out in close coordination with police officers and with their implicit acquiescence [83]. In Nicaragua, Rocha has documented the utilization of barrio gangs by the police and the government party as shock troops during periods of political turmoil [84]. As in Argentina, political operators, working in tandem with the police, employed youth gangs to suppress anti-Sandinista demonstrations during the 2009 municipal elections. In those incidents, gangs not only were given weapons and resources to harass government opponents in the midst of political protests but also were publicly praised by top government officials for “taking control of the streets.”

In several Latin American countries, the employment of shadowy groups and illegal crackdown operations either to subject defiant populations or to go after political opponents is so pervasive that it is impossible to label those cases as simply isolated events perpetrated by “rotten apples” within the state. Extralegal activities perpetrated by state operatives are instrumental in enforcing relations of political domination in contexts in which democratic rule and media attention impose important restrictions on state power [56].

## **Partnering with crime**

The participation of state agents and institutions in the promotion and concealment of vigilantism, death squad activities, and extralegal violence is criminal by nature. However, there is another kind of violence perpetrated by state agents whose immediate

objective is not a distorted understanding of public security but the preservation and enhancement of criminal enterprises. Often, the development of criminal activities by state operatives not only serves the goal of illicit enrichment, but it is also instrumental in building political authority and regain legitimacy, especially in contexts in which state institutions have to compete with powerful local armed actors in order to extract some resources and project some sense of governance. I label this type of violence as criminal to differentiate it from other types of violence perpetrated by state agents. In practice, however, evidence suggests that this form of violence is frequently linked to structures either created to advance political agendas, to combat crime using special operation units, or to eliminate rivals and insurgent threats. Groups organized by political parties and government institutions to mobilize and enforce electoral support end up colluding with drug gangs and criminal groups to expand into profitable activities and increase their local clout.

The best example of these is the dons and garrisons in Jamaica. There, party organizations, who had used violence to enforce their control over communities and win electoral battles during the 1960s and 1970s, morphed into criminal organizations strongly connected to and protected by politicians and police forces. Garrisons—communities shaped and developed by the political identities of their residents—became nodes of criminal gangs and illegal activities sanctioned by state representatives [85]. By the same token, groups that started out as special crime fighting and anti-drug trafficking squads degenerated into mafias as violent as the criminal groups they combated. Noteworthy examples are the “Zetas” in Mexico [86] and some paramilitary groups in Colombia [87]. While several of these groups formally abandoned the state to mutate into illegal armed groups, their subsistence and expansion in the underworld is nurtured by networks of support and protection provided by state representatives. These linkages come to be essential to determining the supremacy of some criminal groups over others during gang wars or conflicts with state institutions [50]. While in some cases that collaboration may help to reduce spirals of violence, such as when Mexican authorities align with one drug cartel to eradicate a rival group and pacify a town, in many other cases, state involvement only contributes to encouraging conflict and reproducing crime. Citing Michel Misse, Penglase [88] says that connections between state representatives and criminals are dangerous because that their collaboration is constantly renegotiated through violence.

The direct involvement of state agents in criminal activities goes beyond forming, funding, and collaborating with illegal armed groups, to encompassing a broad spectrum of actions, from systematic extortions to managing networks of drug traffickers and hitmen. Many of these activities are coordinated from police stations, mayoral offices, parliamentary seats, and even presidential palaces. One indicator of the seriousness of this issue in Latin America is citizen perceptions that the police participate in criminal activities. Most surveys that address the issue of police trust tend to stop short when revealing the involvement of police forces in crime. However, the UNDP Human Development Report commissioned the AmericasBarometer survey to explore whether Latin Americans view their local police as colluding with crime [18]. According to the results, more than 40 % of Latin Americans think that their local police are involved in criminal organizations. In several countries, figures are above 50 %; in Honduras, Guatemala, Bolivia, the Dominican Republic, and Belize more than 60 % of citizens believe that the police are involved in criminal activities.

These public opinion data complement media reports and different national studies with regard to the criminal activities of some of the region's police forces. In Guatemala and Honduras, news that top police officials are involved in drug trafficking cartels and organized crime bands are not a novelty anymore [89, 90]. In Bolivia, for instance, eight different national police chiefs were removed from 2006 to 2012, under accusations of corruption and links to criminal organizations [91]. Mexico has extensively documented pervasive cases of corruption across its law-enforcement institutions [92]. In Venezuela, members of the Metropolitan Police in Caracas have been linked to bands of abductors and organized crime [93]. Although a police reform commission was created to address these problems, no changes have been implemented to reduce police corruption. Furthermore, former top Venezuelan officials have been indicted in Europe for money laundering linked to drug-trafficking, and Venezuelan military officers were involved in what is considered the biggest cocaine haul in French history [94].

Although not all countries are afflicted by the same level of criminal corruption, and that, even in the most problematic countries, not all government officials are corrupt, the evidence does suggest that the problem is structural in nature. While there has been important progress in police institutions in some Latin American countries [26], more notably Colombia, state institutions continue to be structurally pervaded by corruption. Public safety institutions lack efficient systems for transparency, control, and accountability. Actually, this is not new. In many cases, these shortcomings were built into the institutions since state apparatuses were developed in the late nineteenth Century [29, 57]. Several political transitions provided opportunities to transform and reform state institutions, however, at some point they have proved to be repeatedly unsuccessful. The same shortcomings have become evident during the last wave of political transitions of the late twentieth Century and are explained, in part, by the fact that those who were supposed to construct and oversee new democratic security institutions were often involved in maintaining impunity. Under the justification that it was necessary to have experienced people, many police and military operators from former authoritarian governments were able to remain in the institutions and mold them to fit their old ways of doing things. But these agents accumulated more than expertise in the fight against crime. They also gained know-how and connections to help them break the law and undermine the democratic rule of law.

In Guatemala and Honduras, for instance, some of the same military officers who participated in counterinsurgency campaigns were also involved in organized crime and drug trafficking [95]. When political transitions required the military to retreat from public security, they changed their army fatigues for civilian police uniforms and went on with business as usual. In Argentina and Brazil, the heavy militarization of law-enforcement institutions survived processes of reform wrought by democratic transitions and kept institutions more sensitive to criminal patronage networks than to the rule of law [56, 59]. In other cases, where some level of democratic institutionalization already existed, as in Venezuela, political transformations that sought to secure new political actors' grip on power turned into constant constitutional changes, political conflicts, and institutional maneuvering that ultimately eroded criminal justice organizations [96]. Because in many Latin American countries, states have always depended

on autonomous local powers and elites to command authority across the territory [28], law enforcement agencies never strengthen their capabilities to police and shield themselves from criminal infiltration.

Criminal collaboration, thus, serves two goals. First, as Matias Dewey [31] explained for the case of Buenos Aires, it provides state agencies with access to resources and to power relations that are extremely valuable for building patronage networks in politically contested spaces. These networks afford a critical political advantage during elections and periods of unrest. They allow state operatives to rally popular support for their political projects. Second, as Desmond Arias has masterly elucidated, with the assistance of criminal organizations, gangs, and militias, state operatives can build systems of governance that are critical to building political legitimacy in contested places and territories [30, 41].

### **Legitimation of violence**

There is one more dimension to state participation in violence, which crisscrosses all the other categories and takes the form of normative appeals to the utilization of violence. As Theda Skocpol explains, the state matters not only because of what state officials do, but also because the state's organizational configurations and "overall patterns of activity affect political culture, encourage some forms of political actions (but not others), and make possible the raising of certain political issues (but not others)" ([52]: 21). Discourses, actions, and policies advanced by state representatives provide an ethical framework against which the activities and claims of social groups are measured and legitimized. Hence, when the head of government or the national police chief use their platform to criticize judges and human rights advocates for defending the constitutional rights of offenders or when they publicly authorize government officials and civilians to use all means possible to tackle crime, they are also shaping the norms by which government crackdowns and extralegal activities may be publicly judged and accepted. They condone violence by redefining the boundaries of legitimate force. In post-authoritarian Brazil, for instance, police authorities and politicians have publicly, unapologetically, and systematically justified abuses by security forces in their violent fight against crime [97]. In Mexico, during President Calderon's war on drugs, government officials and military officers frequently dismissed victims' allegations of torture, executions, and abuses as being part of a campaign to defend criminals and increase insecurity [98]. In El Salvador, the national chief of police authorized law-enforcement officers to shoot criminals whenever necessary and not to worry about being accountable for killing gang members. Murder rates surged since then [99].

In any case, and as mentioned above, the violence exerted by the state and its representatives is not the same across all countries and within each country. As Staniland [100] put it for wartime political orders, the type of violence that the state sponsors and promotes varies depending on the extent and urgency of political legitimacy and authority that state agents need to build in any given time and each region of the country. In Mexico, President Calderon extended the limits of legitimate force through the war on drugs to gain national legitimacy, while at the same time, some local political bosses and municipal police reinforced their criminal collusion

with drug traffickers to keep their political influence intact. Political entrepreneurs use state institutions to reproduce common violence against each other and other actors and to underpin organized crime to remain in power [101].

Based on the literature used for this essay and the State Department's Country Reports on Human Rights, Table 1 presents a survey of the proposed typology for most countries of the region.<sup>2</sup> The table does not attempt to be a comprehensive account nor does purport to reflect the sheer magnitude of violence in each country, but it is an illustration of the forms of the prevalent state-sponsored violence in the region according to the proposed classification.

## State and violence in comparative perspective

In contemporary, post-transition Latin America, states extend the limits of legal force, trespass their own legal restrictions on the use of force, and tolerate—or even seek—criminal involvement, as part of the strategies of their representatives to claim legitimacy and wield territorial authority. In many instances and under the mantra of the preeminence of security, states build their authority not on the protection of citizen rights but on their proclivity to display force and use violence [44]. They also build authority based on their tolerance toward the use of violence by others, especially when those others represent or hold important forms of local power, and as long as their violence is directed against people perceived as a threat, be it youth gangs, gays, immigrants, or drug dealers. Even the decision of state agents to collude with criminal groups in urban favelas, impoverished towns, and remote rural areas cannot be viewed as simple corruption and plundering. State operators sponsor multifaceted forms of violence because it provides them with the ultimate advantage in relation to other political contestants vying for power in democratic settings. In many cases, state representatives partner and cooperate with crime organizations to advance their political position at the local level and so build political authority, while, at the same time, other state agents launch massive national crackdowns to enhance their electoral—and international—legitimacy.

Hence, the argument that explains criminal violence in Latin America and the Caribbean as the result of state erosion or weakening is misleading. Violence has not increased in the region because the state disappeared from areas captured by criminal organizations and informal networks. Nor has violence increased simply because security forces and state bureaucracies are weaker or more inefficient now than in the past. Actually, in many respects, law enforcement and criminal justice institutions are more efficient and professional than they were three decades ago, during the authoritarian eras. Rather, violence has escalated, in part, because democratic political transformations increased state fragmentation, pitching state operators at different levels and institutions against each other [104]. This struggle has translated into the constant renegotiation of power and authority between state representatives and other social actors outside the electoral field.

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<sup>2</sup> The table does not include Chile, Panama, and Uruguay because there are no reports of significant manifestations of state-sponsored violence in those countries.

**Table 1** State-sponsored violence in Latin America

Country	“Legal” violence	Extralegal violence	Criminal violence
Argentina	*Zero tolerance programs in Buenos Aires	*Executions by the police *Use of torture *State-sponsored mobs	*Extortion rings in the police *Police collusion with street gangs
Belize		*Prison police abuse *Unlawful killings	
Bolivia		*Executions by the police *Use of torture	
Brazil	*Zero tolerance programs in several cities *Bravery awards for the police	*Executions by the police *Militia groups *Use of torture	*Extortion rings in the police *Police involvement in crime *Collusion with street gangs and trafficking organizations
Colombia	*War on drugs	*Executions by the military (False positives) *Militia groups *Use of torture *Support for paramilitaries	*Politicians and police collusion with drug-trafficking organizations
Costa Rica	*Reforms of “in-flagrante” laws	*Prison police abuse	
Dominican Republic	*Zero tolerance program	*Executions by the police *Militia groups	*Extortion rings in the police *Police involvement in crime
Ecuador	*Zero tolerance program in Guayaquil	*Prison police abuse *Unlawful killings *Use of torture	
El Salvador	*“Mano dura” and “super mano dura” programs	*Executions by the police and military *Social cleansing groups *Use of torture	*Extortion rings in the police *Police involvement in crime *Police collusion with drug-trafficking organizations
Haiti		*Unlawful killings	*Police involvement in kidnappings and crime
Honduras	*Zero tolerance national program	*Executions by the police and the military *Militia groups *Social cleansing groups *Use of torture	*Extortion rings in the police and the military *Disappearances *Police involvement in crimes *Politicians and police collusion with drug trafficking organizations and street gangs
Guatemala	*Zero tolerance national program	*Executions by the police and the military *Militia groups *Use of torture	*Extortion rings in the police and the military *Police involvement in crimes *Politicians, military, and police collusion with drug-trafficking organizations and street gangs
Jamaica		*Unlawful killings	*Extortion rings in the police *Politicians collusion with organized crime

**Table 1** (continued)

Country	“Legal” violence	Extralegal violence	Criminal violence
Mexico	*Zero tolerance programs in several cities *War on drugs	*Executions by the police and the military *Use of torture	*Extortion rings in the police *Disappearances *Police involvement in crimes *Politicians and police collusion with organized crime and drug trafficking organizations
Nicaragua		*State-sponsored mobs *Unlawful killings *Use of torture	*Police collusion with organized crime
Paraguay		*Executions by the police *Use of torture	*Extortion rings in the police and prosecutor’s office *Police involvement in crime *Police collusion with drug-trafficking organizations
Peru		*Unlawful killings *Use of torture	
Venezuela		*Executions by the police and the military *State-sponsored mobs *Use of torture	*Police involvement in crime *Politicians and police collusion with organized crime and street gangs

**Source:** U.S. Department of State [102] and Dammert and Salazar [103]

The argument that explains the increase in violence as a result of the state’s loss of monopoly of the legitimate force is a flawed one because several Latin American states were never able to establish uncontested control over the use of violence. It is hard to accept the thesis of the state’s absence and unqualified weakness when criminal groups and gangs thrive within the security perimeters of presidential palaces, military barracks, or central police commands, as in many Latin American cities. As several scholars argue, state’s territorial and infrastructural presence has always been selective, sporadic and contradictory [105, 106]. Hence, the participation of state agents in violence stems from the particular mode of state development in the subcontinent. As Centeno and others have pointed out, in much of Latin America, states were not able to consolidate a centralized political authority with the exclusive monopoly of legitimate force. The lack of development of effective expert bureaucracies across the territory has always forced state institutions to negotiate and rely on local elites to build authority, social order, and legitimacy [28, 37]. To understand the relationship between the state and criminal violence in Latin America is essential to abandon the normative view that the state has the actual ability to monopolize the use of force. Rather, in the line of Skocpol [52] and Tilly [53], several Latin American states are in reality closer to a patchwork of actors and interests that compete in the management of violence to construct localized systems of governance.

For years, in many Latin American countries, especially in Central America and in the Andean region, the state outsourced the means to provide order and security. States



were built upon a tradition of *caudillismo* and semi-feudalism that was never completely wiped out. Landowners and oligarchs reserved the prerogative to form and maintain armed groups and private armies with the capacity to collaborate with or challenge nascent state institutions. In some countries, these groups were especially useful during the counterinsurgency campaigns in the midst of the Cold War, when the security apparatuses were simultaneously strengthened. As the threat of leftist revolutions multiplied, some states found it easier to use those groups and extend a free hand to them to vigorously confront the guerrillas than to resolve perennial socioeconomic conflicts. In other countries, such as Mexico, the state was more successful in monopolizing the means of force not because it crushed all potentially armed competitors, but because it negotiated with them in exchange for stability and dividends in the patronage networks [107]. When the wave of political transitions reached some Latin American countries, those groups remained entrenched in state institutions. Electoral regimes democratized access to local power: diverse groups were brought into the dynamics of governance and, with that, authority and legitimacy had to be constantly renegotiated around the use of force. Even in the case of Colombia, which did not experience a transition from a formal authoritarian regime, Durán-Martínez [108] argues that political liberalization in the mid-1980s provided opportunities for criminals to access the state, as electoral competition increased the number of actors involved in public security.

The case of Central America fittingly illustrates my argument. Despite their shared history and similar characteristics, Nicaragua and Costa Rica have been able to escape the maelstrom of violence that currently engulfs the Northern Triangle largely because the former underwent political processes that rebuilt the state and radically transformed the way modern institutions were formed and deployed. The Costa Rican Civil War of 1948 and the Nicaraguan Revolution of 1979 sparked structural state transformations that, among others, re-accommodated social forces and redefined how institutions penetrated society through the use of legitimate force and other means [109]. Conversely, in the Northern Triangle, political transitions and two decades of relatively free and fair elections failed to transform the fundamental systems by which institutions related to the population and the territory. Rather, electoralism without rule of law and accountability created opportunities for the expansion of pervasive patronage networks that colluded with organized crime to perpetuate violent practices and corrupt structures in state institutions [45].<sup>3</sup> Why some political events become transformative to the state while others not is beyond the purpose of this paper, but the Central American case is a good example that states matter in the prevalence of contemporary violence.

The argument that public security institutions are now being penetrated by organized crime and drug trafficking is sometimes deceptive. As some practitioners contend, in several Latin American countries institutions had already been permeated by crime when they were reformed during political transitions [111]. The expansion of criminal markets as the result of globalization, coupled with the multiplication of political actors, has created new opportunities for illegal operations that fuel violent competition for power.

<sup>3</sup> Obviously, there is more to the differences between the north and the south of Central America. For space reasons, I cannot expand them, but see: Torres-Rivas [110].

The state and its representatives are not the only responsible for the upsurge in criminal violence in the region. To be sure, drug traffickers, gangs, and other actors are also to blame for the maelstrom of violence. However, the picture would be incomplete without including the state's contribution to crime and violence. In varied states such as Argentina, Brazil, Colombia, the Dominican Republic, Honduras or Venezuela, the involvement of institutions in crime represents a significant obstacle to the development of sound policies to reduce violence. Hence, the fight against crime in the region must start by reforming the state and transforming the very institutions that are supposed to guarantee the rule of law.

**Acknowledgments** The author wish to express his gratitude to Astrid Arraras, Frank Mora, Rosario Queirolo, and the five anonymous reviewers for their comments on previous versions of this essay.

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