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Article

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Journal of Illicit Economies and Development (JIED)

Provided in Cooperation with:

LSE Press, London School of Economics and Political Science (LSE)

Suggested Citation: Davis, Diane E.; Hilgers, Tina (2022) : The pandemic and organized crime in urban Latin America: New sovereignty arrangements or business as usual?, Journal of Illicit Economies and Development (JIED), ISSN 2516-7227, LSE Press, London, Vol. 4, Iss. 3, pp. 241-256, <https://doi.org/10.31389/jied.134>

This Version is available at:

<https://hdl.handle.net/10419/320661>

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The Pandemic and Organized Crime in Urban Latin America: New Sovereignty Arrangements or Business as Usual?

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ABSTRACT

Using a focus on the ways that Covid-19 has impacted everyday life in urban Latin America, this article examines the shifting activities of organized criminal groups in the context of a global pandemic. Using grounded ethnographic fieldwork drawn from Brazil, it asks whether a health crisis with direct life and death consequences has empowered illicit actors, and by so doing changed longstanding relationships between illicit actors and citizens on one hand, and/or illicit actors and local authorities on the other. Its larger aim is to understand whether and how the global pandemic has impacted governance by producing new scalar and sovereignty tensions between state and non-state actors at the scale of the city, and with what implications for the legitimacy of national authorities and democratic governance more generally.

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KEYWORDS:

Governance; sovereignty; non-state actors; criminal activities; Brazil; Covid-19

TO CITE THIS ARTICLE:

Davis, DE and Hilgers, T.
2022. The Pandemic and
Organized Crime in Urban Latin
America: New Sovereignty
Arrangements or Business
as Usual? *Journal of Illicit
Economies and Development*,
4(3), pp. 241–256. DOI: [https://
doi.org/10.31389/jied.134](https://doi.org/10.31389/jied.134)

The coronavirus pandemic has thrown much of the world into disarray, with cities and their residents suffering disproportionately. The nature of urban density promotes contagion, putting cities and their residents on the frontlines of risk. Cities in the global south are afflicted most acutely, owing to high degrees of poverty and income inequality as well as the fact that their density is often spatially bifurcated along social and class lines. These urbanization patterns are also associated with an uneven distribution of formal and informal activities that further limit universal access to public goods and urban services. Such patterns emerged because urban authorities routinely failed to address the basic needs of the most vulnerable, leading to limited citizenship rights and high degrees of violence (Koonings & Kruijt 2009; Penglase 2014). As illicit non-state actors stepped in to fill the servicing gaps produced by state neglect (Davis 2016; Hilgers 2020; Penglase 2005; Willis 2015), they provided what some have called a parallel form of governance (Leeds 1996) that on occasion operated with tacit approval if not active state participation (Arias 2017; Davis 2009). Whether operating alone or as embedded in existent governing structures, these illicit actors built their power around internal hierarchies and exacting codes of conduct to provide order and security in the face of state neglect.

Both citizen vulnerability and state neglect have been brought to the forefront by the current pandemic. One third of COVID-related deaths in the world have occurred in Latin America and the Caribbean, and they are concentrated in low-income communities (Muggah & Dudley 2021). At the same time, variegated reactions to COVID-19 (shutdowns, quarantines, contact-tracing, social distancing, remaining 'open') reveal the spatial logics of differentiated governance. A single city can be both locked down and open at the same time, thus illuminating what scholars have long noted: cities of the global south are unequal, dense, and sites of splintered governance and extreme neglect where everyone's life chances are not equal. What remains to be seen, however, is the impact of the pandemic on the power, authority, and utility of informal governance actors and mechanisms. Across the world and especially in Latin America, evidence suggests that illicit actors may be using the pandemic to fortify their control of urban space and deepen their relationships with citizens (Moncada & Franco 2021). In some cities illicit actors have strictly enforced state measures such as curfews and imposed their own rules and aid when inadequate state responses revealed spaces of vulnerability. Even so, the pandemic has also slowed global economic flows and thus impacted the fluidity of drugs, arms trafficking, and other activities that sustain the power of illicit actors. Whether these actors are now able to re-imagine their 'business models' in the context of the pandemic may depend on the urban versus rural setting of their power, as well as the national versus transnational territoriality of their activities.¹

Yet just as important is the question of whether local authorities will continue to respond to these illicit actors in ways similar to the pre-pandemic world. For one thing, the health crisis has put other issues besides crime on the public agenda in ways that may reduce state efforts to stem criminal activities. For another, the pandemic may make some state authorities even more willing to work with illicit actors, realizing that the latter may be key to effectively accessing the most vulnerable urban populations, which in turn might enhance the legitimacy and authority of illicit actors at the scale of the neighbourhood.² Recent research from the global south suggests that police continue to use informal procedures and mechanisms in order to interact with citizens during the pandemic (Waseem 2021). Further complicating matters is the fact that in many global south cities illicit actors developed their economic and political power through involvement in vending and other small-scale commercial activities in which controlling local street space is key. The pandemic holds the potential to harm such activities, owing to lockdown and contagion measures, thus economically hampering illicit actors in ways that push them to double-down or find alternative forms of rent-seeking. The latter may include new ways to control informal work, which has become even more crucial to the production of livelihoods because the pandemic has slowed the overall economy and

¹ We thank Oscar Palma for this insight and for his willingness to share preliminary information about Colombia. He notes that illicit activities Colombia depend more on rural than urban power structures for their activities, thus making their responses to the pandemic different than in Mexico or Brazil. For more on the nature of organized criminal activity in Colombia, see Palma (2021).

² Jaffe (2013) has made similar arguments about the police and other state agencies using gangs to access low-income communities in Jamaica.

forced the closure of formal retail and commercial establishments, including restaurants and small stores.

Although illicit actors have long operated under the eye of state authorities without full recrimination (Davis & Boudreau 2017; Hilgers & Macdonald 2017; Willis 2015), the question is whether the pandemic has shifted the balance of dependence, or relationships, between legal and extra-legal governing actors. Has the pandemic enhanced the political and economic dominance of illicit actors in ways that may be difficult to scale back in the future; and if so, will it have been because citizens themselves turn to them more, because the state allows them to operate more freely, or both? Or will the pandemic reduce the economic sources of illicit gain so drastically that such actors lose local dominion? To pose these questions is to consider whether the pandemic may be shifting relations between illicit actors and local authorities at the local scale, and by so doing, contributing to either a crisis of governance, a new form of hybrid governance, or even a more fundamental shifting of sovereignties in cities of the global south.³

The evolution of illicit actors in Brazil's federal system has long produced tensions about scales of authority; yet the current president has also taken a hard-handed approach to security in low-income communities while denying the seriousness of the virus. In this context, although state and municipal autonomy under Brazilian federalism have allowed for strong opposition to presidential denialism, during the pandemic these same governance structures may not allow enough proximity to the vulnerable to close the gaps exploited by illicit actors. For their part, illicit actors appear to have relied on technology to diversify and consolidate their activities. They have moved some of their business activities online and are using social media to spread messages containing health care and lockdown information and rules, along with statements of solidarity to favela residents. With a focus on these developments, we begin to unpack the processes through which the pandemic has destabilized the balance of powers within and between state and non-state actors.

By so doing, we lay the groundwork for further research on whether and how the pandemic has changed the behaviour and relationships between illicit actors and governing authorities. Our starting point is Latin America, but the majority of our evidence comes from closer examination of Brazil. The tentative claims that we advance build on prior fieldwork in a favela of São Paulo (2015, 2017, 2018, 2020); ongoing digital research conducted during the pandemic; recent reports from news sources; and observations drawn from expert blogs.⁴ Access to grassroots sources affected by illicit forms of governance has become even more difficult than usual during the pandemic, and thus our conclusions are intended as preliminary at best. Even so, the reports of new processes and conditions suggested by our contacts in Brazil, and the confirming evidence being reported in the news and elsewhere, provide sufficient material to offer a few tentative hypotheses about possible shifts. To fully validate them will inevitably warrant further research when fieldwork and ethnographic observation are possible.

The paper's first section lays out the conceptual underpinning of our argument by focusing on the historical processes of urbanization that made citizens vulnerable to the pandemic. Middle sections detail citizen and state responses to the pandemic over the past 18 months, building on an understanding of urban history and its spatial and political correlates. The final section returns to the question of governance and offers some tentative conclusions about the longer-term impacts of the pandemic on shifting scales of sovereignty in cities of the global south.

SPACES OF FLOWS, PLACES OF VULNERABILITY

Cities are sites of flows. There is much focus on one such kind: of capital, commodities, and openness typically associated with neoliberal globalization. Castells (2001) once described cities as distinctive nodal densities in a global 'space of flows'. These densities are of people,

³ For more on the impact of the pandemic on purely formal governance arrangements, with a focus on how the health crisis has destabilized relations of authority and state versus market ideologies of governance in Brazilian, US, Indian, and Mexican federalism, see Davis (2022).

⁴ Fieldwork consisted of interviews, conversations, and hanging out with members of the community, NGOs, CSOs, and gangs in the favela of Vila Floriana (fictive name). Travel ended in March 2020, as the pandemic was breaking out. The human research ethics protocol was then amended to include digital interactions and research has continued in the form of WhatsApp chats and telephone interviews with contacts, as well as following NGO and CSO official social media posts.

of money, of data, and of a global political economy that must flow in space even as it rests in densities. Similarly, this kind of flow must transcend national borders, superseding them in both economic and political terms, rendering state-centric politics and borders weakened. A claim to sovereignty emerges based on economic primacy, hinging on outsized capital, productivity, and influence beyond the nation-state. Such a claim to authority requires openness, fluidity, global connectivity. The same flows operate to connect the neighbourhood to the city and to global spaces. The intimate political economy is rooted in local space at the same time as it flows across neighbourhood boundaries within the city, as well as across cities and nations.

These three characteristics are also the basic conditions for viral diffusion, defining why and how illness may spread. The city in global context is both diffusion and density of people. In a moment when the urban is dramatically resurgent – epitomized in the global nature of land speculation, gentrification, and data as urbanization – the history and politics of territorial connectivities have laid the foundation for rapid transmission of COVID-19. COVID-19 is an urban illness in global terms, yet the ways it lands in urban space determines its impacts, not just in health terms but also with respect to the functioning and priorities of governing institutions that have been empowered through their capacity to regulate flows of people and goods through and in dense proximity.

All of this begs attention to a second kind of flow, what Neil Smith (1996) once described as the ‘space of vulnerability’. The space of vulnerability is attached to and derived from any space of flows. The openness, fluidity, and economic value of any space is not boundless. All must be secured and protected against real or perceived threats, thus requiring formats of closure. ‘Openness’ is only possible against terms of closure, securitization, delineations of who and what is in, and who and what is out. In contemporary times, such terms are increasingly proactive and data-driven, working through logics of mitigation, proactivity, and prediction. The space of vulnerability is punitive but nonetheless economically productive, powering its own modes of containment. The densities and flows of the space of vulnerability encompass racialized, ethnicized, and classicized urban communities who cannot transcend borders or are deemed by the police as violators if they try. The space of vulnerability works through a spatial paradigm of human and material flows that constantly moves poor populations to and from specific urban spaces. There are spaces and activities in which their work is necessary and their consumption desirable, but others where their presence is criminalized (Hilgers, Calderón & Honigmann, forthcoming). They are necessary to the functioning of the cosmopolitan city but are invisibilized.

Attention to these two spaces is helpful for unpacking the crisis of sovereignty. Many assume that ‘closure’ is a question of governance and security at the scale of the nation state. Indeed, resurgent populist nationalisms imply that this is the case. Yet because the space of flows transcends national borders, centering on the city, the securitization of countries at and through national borders is an insufficient response. Closing or tightening national borders does not deal with the actual spatial paradigm of the global political economy, nor does it directly translate to the city-scale. As such, we must remember that ‘openness’ and ‘closure’ butt up against each other at different scales, one of which is much more local and lived. The two kinds of flows exist and are reproduced in the city proper, assuming materialized, social, and spatial patterns and reproduction. And within a single globally connected city, such as São Paulo, there is necessarily both a space of flows and a space of vulnerability, one global and ‘open’, the other highly local and punitive. The COVID pandemic highlights that cities in the global south, in particular, must disaggregate the human effects of the flows of the global economy and of global disease: for whom do openness and closure work and whom do they make vulnerable?

Like the city itself, these spatial differentiations are social; they are produced and reproduced, a problem of the everyday social construction of the city. Usually, differentiating between the space of flows and the space of vulnerability requires disaggregating social relations, asking who has infrastructure and who is the subject of symbolic and direct violence that maintains spatial inequality. The spaces of vulnerability take on particular governance qualities in cities of the global south. ‘Vulnerability’ is, in many ways, the pith of survival in the city. It undergirds informal urbanization on floodplains and steep hillsides, inequitable political relations in space, the absent provision of infrastructure and everyday violent policing. Such vulnerability is the basis for particular kinds of community, identity, and organization, and it pollinates with the illicit, by virtue of formation outside the law.

Davis (2009) once called such logics the foundations of ‘new imagined communities’, serving as rallying points that can accrue to the point of service provision, security, and the consolidation of authority – governance or sovereignty – in space. Their particular and insurgent claims to sovereignty rely on the historic and spatial patterning of collective vulnerability and incipient forms of organization as a result. And even though such governance is distinctive in space, it always exists in relation to other forms and scales of governance, both at urban and national scales. It takes shape in myriad everyday processes, whether through the ‘illicit networks’ that circumscribe the ballot box, in the unexceptional circulation of ‘cloned cars’, or in the manifold ways that the ‘margins’ are always central to political life (Willis 2016). In this way, the extent to which modes of governance are discrete, and how they might relate to each other, is often as difficult to disentangle as is the ‘bright line’ between the space of flows and the space of vulnerability. In a global pandemic, though, these governance patterns have broken through, cutting through the everyday complexity and urban relationality to a different kind of visibility. Claims to authority, differing with respect to how the population should be defended from illness, have grated against each other with the absence or delay of political action at urban and national scales spurring other iterations of governance to act.

To a great degree, the disciplinary actions imposed by favela or other local mafias on co-residents in their own territories can be seen as paralleling the market-led capital accumulation logics that explain why national leaders have closed down country borders. In this era of neoliberalism, federal authorities define their mandate as that of protecting the long-term future of their national economies. Such a mandate generally requires an openness to global flows of people and goods but structured in ways that maximizes benefits for domestic firms and national GDP, despite the fact that to accrue these gains, domestic firms rely on unfettered international access to supply and demand chains. In the context of an illicit governance regime at the scale of the favela or the urban periphery, the same logic is at work. Given that their authority rests on the capacity to control flows of people and goods, isolation will be very difficult to mandate and monitor without undue hardship on local populations. This will inevitably produce pushback from residents, who with all of the proximities and flows that sustain their livelihoods will find isolation or quarantine very difficult to accept.

In this sense, spatial actions undertaken by illicit, non-state actors to protect their markets will subsequently produce tensions, not merely with respect to any ‘social contract’ with residents, but also with the larger accumulation logics that initially empowered these non-state actors. Whether at the scale of the nation or the favela, spaces can be closed off in order to protect existing economic activities; but such actions can undermine future prosperity if they disable flows of people and goods for too long. Accordingly, efforts to territorially regulate ‘vulnerable spaces’ are themselves highly vulnerable, subject to their own contradictions; and it is these contradictions that might destabilize both local sovereignty and entire governance systems, including a nested system that is built on tacit ‘sovereignty’ agreements between licit and illicit/non-state actors. One is tempted to place these contemporary developments in the context of provocative claims made by Charles Tilly (1985) drawing parallels between state-making and organized crime. To the extent that these paradoxical and conflict-generating political responses in favelas are equally seen across nations, states, cities, and neighbourhoods in the global south, they starkly reveal the fragility of existing sovereignty arrangements (Davis 2020). The question is whether longstanding political ideologies, histories of state formation, and uses of force operate to mitigate or reinforce such governance tensions.

BRAZILIAN HISTORICAL AND SPATIAL CORRELATES OF GOVERNING AUTHORITY: HEALTH AND SECURITY IN A FEDERAL SYSTEM

Federalism has played an important role in structuring the response to the pandemic in Brazil, with subnational state and municipal autonomy creating both advantages and drawbacks, especially in the key policy areas of public health and security. While the 1988 Constitution guarantees state and municipal level autonomy and citizen participation (Montero 2000; Skidmore 2010), a lack of coordinating institutions and great variation in regional and local contexts, resources, and political agendas inevitably produce variegated policy pathways (Cavalcante 2017). In some policy arenas, vertical coordination between the federal and lower levels of government exists. Municipalities also coordinate horizontally in intermunicipal

consortia to pool resources for policy and programs. At the state level, the tendency is to compete for federal transfers rather than coordinate policy, with the regional power blocs in the federal legislature (the *bancadas regionais*) existing more to press for beneficial policy than to coordinate internally. Subnational state autonomy has strengthened subnational patrimonial regimes but has also allowed policy innovation (de Moura Palotti 2019; Montero 2000).

The Bolsonaro administration (2019–present) and the COVID-19 pandemic have magnified the tensions in the federal system. Bolsonaro’s far-right populist alliance has increased decentralization, with more transfers of resources downward, many unconditional. The lack of vertical coordination is likely to increase gaps in service delivery, especially since states and municipalities have large fiscal debts and difficulty in providing day-to-day services (de Moura Palotti 2019). Nonetheless, subnational state autonomy is an important defense against Bolsonaro’s mishandling of the pandemic. The president publicly denied the pandemic and censored scientific data, all the while the country’s infection rates and deaths placed it among the world’s hardest hit. But his attempt to force the states to heel to his will to keep Brazil open for business failed. Governors, congressional leaders, and federal ministers formed an alliance across party lines enabling continued lockdowns despite Bolsonaro’s opposition. And in April 2020, a Federal Supreme Court judge ruled that Bolsonaro did not have the power to centralize control over pandemic responses. Yet, even with a united opposition, there was little cross-state policy coordination. By April 2021, over 45,000 municipal and over 2,000 state level policies were implemented to address the pandemic (Bennouna et al. 2021).

Institutional dynamics within the health system demonstrate the tensions of federalism, inequality, and the pandemic. The constitutional guarantee of health as a universal right and vertical coordination between federal and lower levels of government in health care has resulted in the *Sistema Unico de Saude* (SUS, Single Health System), one of the few Latin American universal health care systems. In practice, the system operates in two tiers. Tax breaks for private health insurance holders effectively channel public funding to private hospitals, while public hospitals are under-resourced. COVID patients in private hospitals have a 50% higher recovery rate than those in the public system, whose capacity and reputation are hampered by deviation of funds for pandemic field hospitals, over-billing for emergency ventilators, and unexplained deaths (Medical Xpress 2020). Among the poor, many prefer community medical care after public hospitals failed to provide formal reports on the deaths of relatives or friends (de Olivera 2021).

Public security is perhaps even more problematic than health care. The states hold a fair degree of autonomy in security matters. The 1988 Constitution provides for state-level uniformed military police and investigatory civil police (Arias 2017), while the Federal Police deal with international and state crime (InSight Crime 2020). However, federal level public security programs attempting to coordinate programs, training, and/or data sharing have achieved little (de Moura Palotti 2019), while police corruption and human rights abuses of racialized and marginalized populations are rampant (Costa Vargas & Alves 2010; Hilgers & Macdonald 2017; Penglase 2009). At the same time, some states have used their autonomy for policy innovation. Rio de Janeiro’s internationally known *Unidades de Polícia Pacificadora* (Pacifying Police Units, UPP) are an attempt at community policing in the favelas – a preventive approach with police solving problems through relationships with residents (Dias Felix & Hilgers 2020). However, since Rio de Janeiro was bankrupted by the 2014 World Cup and 2016 Olympic Games, funding for the UPP and infrastructural projects intended to integrate the favelas with the rest of the city quickly dried up (Araujo 2021).⁵

Indeed, policing has become increasingly uncontrolled since a campaigning Bolsonaro promised more leeway for police killing criminals. Such promises were mirrored in the police supported hardliner Wilson Witzel’s run for Rio de Janeiro governor (Dalby 2019) and in João Doria’s São Paulo campaign, when he said that police would ‘shoot to kill’ (Lima 2020). In what appears to be a case of vertical coordination on security policy, after the candidates took office, killings by police shot up and Rio officers spoke about weaker constraints on their actions (Dalby 2019). In early June 2020, the Supreme Court prohibited police raids in Rio’s favelas during the

⁵ The most recent Brazilian census (2010) shows that 11.3 million Brazilians (approximately 6% of the country’s population) were living in favelas (BBC 2014) and that these are the location of most population growth. Long-term poverty and discrimination ensure that millions of families will stay in these underserved, informal settlements across several generations (Perlman 2010).

pandemic, but police killings continued (Baker & Leão 2021) to a record high of 1,245 people that year (Muggah 2021). In São Paulo, while crime decreased by 53.3% during the 2020 COVID lockdown, police killings went up by 54.6% during the month of April (Lima 2020).

The check on central power represented by the autonomy of subnational federal units is activated by policy positions. The states braked presidential excesses in pandemic measures, insisting on lockdowns and vaccination campaigns despite presidential opposition, but governors in favour of shoot-to-kill policing lined up behind the president to rack up human rights abuses. In both cases, poor residents of inner and peripheral urban informal settlements pay the heaviest price, with the highest COVID infection rates and deaths and the most killings by police. This is the latest instance in a history of the state's uneven provision of security and services opening gaps that are filled by illicit actors, resulting in entangled licit/illicit governance.

SPATIAL STRATEGIES OF ILLICIT ACTORS: FROM PAST TO NEAR PRESENT

VIGNETTE

The favela of Vila Floriana (São Paulo) is a well-established community with a history of mobilization to demand resources and services from the city. But state interest in investing in favelas is inconsistent and public transportation, health care, potable water supply, electricity connections, garbage removal, and other infrastructure and services remain inadequate.⁶ Streets lined with businesses and two to three story houses hide large pockets of hyper-impoverishment, where fires and floods regularly destroy homes. Several municipal and state-level upgrading projects have been unveiled and begun with home evictions and demolitions, only to come to a standstill, leaving empty lots to be re-occupied by residents. Unpredictable state engagement means that residents have to construct their own homes and continually organize to demand that the municipality provide urban services, knowing that investments of time and money will be lost if state projects resume.

Security arrangements are similarly ambiguous. Four local gangs openly battled for control of territory until the *Primeiro Comando da Capital* (First Capital Command, PCC) consolidated crime in the 2000s. While PCC regulations are now imposed on the community, organized crime maintains an unstable relationship with the police, who neither regularly patrol the area nor abandon it entirely. A mobile military police unit stationed on a street serving as an access point to the favela from wealthier adjacent zones does not enter the favela or intervene in crimes occurring on the street. But heavily armed police units will stage raids that result in the humiliation, injury, or death of innocent residents and in the incarceration of suspected gang members under the harsh conditions of the Brazilian prison system. Luiz, an influential resident, served time for possession of what he swears were planted drugs, but there was nothing he could do to defend himself.

While some residents claim that they will go to the police with their problems, most say the police cannot be trusted and suspect them of being in the pockets of organized crime. Residents also have mixed feelings about the latter: opinions on drug trafficking are almost uniformly negative but diverge on the informal regulation of community life. Drug trafficking includes local sales to partiers entering the favela for its funk dances, residents using for fun, and drug-dependent residents living in a small *cracolândia*. Although the funk parties bring legitimate business to the community, they and other drug-related activities generate violence and a host of nuisances. The informal rules offend residents who think that criminals should not be in a position to tell anyone how to behave, but are used by others to cope with both extraordinary and mundane problems. Organized crime imposed a postponement

⁶ Only with the 2001 passing of federal law 10.257 – the *Estatuto da Cidade* (City Statute) – to regulate the use of urban property for the public good and restricting, among other things, the holding of property for speculative purposes resulting in its underuse, did the city begin to invest in public services and infrastructure in the community (Presidência da República 2001; Prefeitura do Município de São Paulo 2010).

when elections for the residents' association were mired in accusations of corruption, using threats that made some of those involved fear for their lives and step back from projects to stand for municipal election. It was almost certainly called upon to deal with the accused rapist whose body was found in the local creek. It dealt with a dispute between two families (exiling a young man) and sees to the recovery of stolen property (breaking bones to teach thieves not to steal within the community). Some residents are willing to subject themselves to this order because it provides a swift and certain resolution to problems, unlike the state's complex justice system. Some of those who have had more intimate contact with the PCC itself even go so far as to claim that the social programs, NGOs, and other organizations functioning in the community are made possible only because of the order created by a *facção* (the faction) (fieldnotes).

One of the perverse processes resulting from inadequate social policy alongside harsh policing and incarceration policies has been the rise of non-state armed governance entangled with state governance in the favelas. The aims and capabilities of the criminal actors vary, fragmenting the security sector in ways that limit state capacities to control criminality and drawing attention to the localized nature of how spaces of flows and vulnerabilities intersect.

Organized crime in Rio de Janeiro is largely defined by two types of centralized operations working in defined territories: drug traffickers and *milícias*. The largest trafficking faction is the *Comando Vermelho* (Red Command, CV), which arose as a prison gang under the dictatorship and grew as released members coordinated criminal activities in the favelas, expanding into drugs and arms trafficking in the 1980s. Internal strife split the CV into three factions in the early 1990s, whose competition for territory and drug markets saw an explosion of violent combat (Grillo 2016; Huguet & de Carvalho 2008). The factions operate through territorialized hierarchies that monopolize crime in, and violently impose order on, the favelas they occupy (Carvalho & Soares 2016), requiring residents and their associations to disregard illicit activities in return for conflict mediation, security (Penglase 2009), and some social services (Gay 2010).⁷ They also play a role in electoral politics, acting as gatekeepers to campaigning politicians and occasionally attempting to run their own candidates (Arias 2017). Although Brazil has been open for business, receiving increased foreign direct investment since 1995 and seeing a significant expansion in low skills employment during the 2000s commodities boom that created a so-called 'new middle class' in the favelas (see Hilgers, Calderón & Honigmann, forthcoming; Pochman 2012;), the context of racism, poverty, and marginalization remains such that drug trafficking factions were Rio's top employer for children and youths aged eight to eighteen in the years 2002 to 2006 (Gay 2009). These youth – generally poor, black men – are the primary targets of policing and military interventions.

The activity of Rio's drug trafficking factions has also led to the organization of vigilante security operations known as *milícias*. Originating in the Baixada Fluminense, the *milícias* are formed by off-duty or retired police officers, firefighters, and prison guards. They often take over a community after a police incursion has weakened traffickers, assuming leadership of political and social organizations and patrolling the territory; prohibiting drug trafficking, drug use, and robbery; and punishing transgressions with responses ranging from warnings through expulsion or death (Cano 2008; Paes Manso 2020; Zaluar & Conceição 2007). *Milícia* legitimacy rests on the provision of security free of the unpredictable violence of faction wars and related police incursions. *Milícias* tax residents and business owners for their services, in addition to profiting from (illegal) land development and taxing or monopolizing the provision of cooking gas, pirated cable television connections, and informal alternatives to public transportation (de Souza e Silva, Lannes Fernandes, & Willadino Braga 2008; Paes Manso 2020). *Milícias* may also engage in welfare activities, such as operating community centers, doing social work, providing

⁷ The literature demonstrates that criminal groups maintain order in the favelas (e.g., Arias 2017; Feltran 2018; Penglase 2009; Willis 2015), but usually deals with the provision of welfare only superficially (we thank an anonymous reviewer for this critique). For example, a recent study by Barcellos and Zaluar in Rio de Janeiro confirms that living inside a favela controlled by traffickers is less dangerous than living in its proximity: the drug trade generates violence, but traffickers create security for 'their' residents. In 2009, the average homicide rate in the city was 52 per 100,000 residents, 34 in trafficker-controlled favelas, and a range from 48 to 129 in their peripheries (2014). On the other hand, there are no detailed descriptions of organized welfare. For example, Paes Manso (2020) refers to social work, employment, gift giving, etc. throughout his study of Rio's *milícias*, but always in passing.

basic needs items and health care, and creating employment, and establishing themselves as clientelistic brokers channelling municipal resources for childcare, healthcare, education, and infrastructure to their communities (Albarracín 2018; Paes Manso 2020). Wanting to rid the city of traffickers by any means necessary, several powerful politicians have publicly supported the *milícias*, including Rio Mayor Cesar Maia (Ramsey 2014), President Bolsonaro's son Flávio (Betim 2020), and the president himself (Baker & Leão 2021). Since the 1990s, the *milícias* have also successfully pressured the communities they control to elect *milícia* members to public office at the local and state levels (Albarracín 2018; Arias 2017; Paes Manso 2020; Souza Alves 2008).

Contrasting with Rio's competitive non-state armed order, São Paulo has been under a blanket monopoly orchestrated by the PCC since 2006. The PCC developed in the prison system in the early 1990s, imposing a code of order and negotiating violently with the prison administration or coopting its members to improve conditions for prisoners. When alarmed authorities attempted to undermine the organization by dispersing leaders across prisons, they effectively allowed it to expand (Dias 2009; Willis 2009). Released members maintain their loyalty, materially supporting the PCC in prison and organizing crime according to a code of behaviour that prohibits crime within and against favela populations, including rapes, robberies, and unauthorized killings. While PCC members enforce the code and engage in criminal activities, the PCC is not rooted in a particular territory, does not require all criminal actors to adhere to the organization, and does not have a clear leadership structure (Biondi 2010; Feltran 2018). The decrease in homicide rates from 49.16 per 100,000 residents in 2001 to 8.56 in 2015 (SPP 2016), resulting from the use of the code, has led to an unofficial agreement by the police to stay out of the favelas (Feltran 2012). Publicly, the police have admitted to not having regular access to the favelas (Folha 2017), though they do stage raids. In the electoral arena, PCC members appear to support certain municipal candidates (Amorim et al. 2016; Jovem Pan 2020), sometimes trading campaign funding for control over public health care and garbage collection, thus securing the ability to distribute work contracts, launder money, and access chemicals for cocaine production (Estado de São Paulo 2020).

In all three cases, non-state armed order is created through security/service provision backed by violence, but variations in organizational structure, territory, and relationship with the state result in different realities (see Arias 2017). Rio's drug-trafficking factions and largely anti-drug *milícias* are hierarchical organizations, based in territories where they control illicit activities, with *milícias* able to act more openly than traffickers because their linkages with police and politics blur divisions between state and non-state actors (Albarracín 2018; Paes Manso 2020). In São Paulo, the PCC coexists uneasily with the police, enforcing good criminal behaviour across the metropolitan region without monopolizing criminal activity or being grounded in any particular territory (Feltran 2018). The differing structures of criminal governance and their entanglement with other forms and scales of governance create spatial particularities that have probably affected responses to the pandemic, although whether and how this has been the case requires further research.

SPATIAL STRATEGIES OF THE STATE AND ILLICIT ACTORS UNDER THE PANDEMIC

The pandemic has given increased impetus and visibility to some governance patterns transcending urban complexities and relationalities. The state's recognition of illicit actors' longstanding importance in the favelas has remained evident during the COVID pandemic. Health Minister Luiz Henrique Mandetta suggested that officials should work with factions and *milícias* to fight the pandemic in the favelas, before Bolsonaro fired him for opposing his denialism. He said there was a need to be realistic about the situation in the favelas, where the state lacks presence, and to build connections with them through the factions and *milícias* who are in charge and who should be helping to deal with the pandemic (Lavallée 2020).

Journalists and specialists have gathered some evidence that factions and *milícias* in Rio have expanded their governance role to deal with the health crisis. With members living in the affected communities, they were in a good position to understand what residents needed (Baker & Leão 2021) and to become 'an extension of the state' by supporting state policy (Muggah & Dudley 2021). In Rocinha, the CV imposed a curfew; in Morro dos Prazeres, moving around in groups larger than two people was prohibited; in Santa Marta, a sign at the favela

entrance asked people to wash their hands before entering; in Complexo da Maré, businesses were pressured to open for shorter time periods. Across the city, traffickers and *milícias* imposed curfews, forced shorter business hours, and backed state measures to suspend funk parties (Leitão & Martins 2020; Muggah & Dudley 2021).

Further to enforcing state-mandated social distancing measures, Rio's faction leaders also generated measures of their own. In Rocinha and Vidigal, access of outsiders was limited to help prevent the spread of the virus (Berg & Varsori 2020). In Rocinha, low cooking gas prices were imposed to protect residents whose incomes declined when the state government imposed lockdown. In Complexo da Maré, price stability of products such as alcohol gel was enforced and in Santa Marta, soap was distributed (Leitão & Martins 2020; Muggah & Dudley 2021).

Illicit actors make sure that residents know they – not the state – are behind the good works to shore up their position in the communities. They used social (Dudley 2020) and other media to spread their messages, expressing solidarity with residents (Leitão & Martins 2020). In City of God, the CV broadcast through loudspeakers mounted on cars: 'We're imposing a curfew because nobody is taking this seriously. Whoever is in the street screwing around or going for a walk will receive a corrective and serve as an example. The message has been given' (cited in Sullivan et al. 2020). In another favela, the message spread was, 'we want what is best for the population. If the government can't work it out, organized crime will' (cited in Sullivan et al. 2020, authors' translation).

In São Paulo, as much as organized crime has supported state-mandated anti-pandemic action – for example, imposing a curfew and shutting down all parties and gatherings for 15 days in Brasilândia (Brasil Urgente 2021) – it has also exploited the situation to protect its business interests. In the early months of the pandemic, crime and violence decreased in Brazil and across the region – perhaps because social distancing limited the number of people moving through the streets – but as the rules were relaxed once again, crime and violence returned to previous levels (Moncada & Franco 2021). But this is not a return to the status quo ante: illicit actors have adapted. The context has limited the ability of criminal groups to profit from their usual illicit activities, so they have diversified. As borders closed and international trade slowed, drug traffickers faced product shortages on the one hand, as producers in other countries had trouble sourcing input chemicals and felt lockdown inspired police crackdowns, and transport difficulties on the other hand as licit transportation networks slowed, also slowing the moving of illegal drugs. One response has been to move drug sales online. Another has been to diversify, including bank robbery, trade in illicit wildlife, and cybercrime (Muggah & Dudley 2021). Bank robberies were up by 44% in 2020 in São Paulo and officials suspect the PCC to be the perpetrator due to the violence and thorough organization of the acts (Norris 2021). The PCC has also stolen a shipment of virus tests and protective equipment from an airport for resale, though it was recovered by officials (Berg & Varsori 2020), and appears to have been involved in laundering money embezzled by the Witzel administration during the building of COVID field hospitals in Rio (Dalby 2020; Godoy 2021).

In addition to extending and paralleling the state – and stealing its resources – drug-trafficking factions across the country have also pushed back against some state mandates. Factions in prison have organized violent protests and hostage taking in rebellion against the further decline of already miserable conditions, including poorly controlled outbreaks of the virus, restrictions on information available to family members on prisoner status, and bans of external visitors (e.g., Berg & Varsori 2020).

VIGNETTE

The complex interweaving of illicit and licit organizing also continues in Vila Floriana during the pandemic. The residents' association and other organizations have received donations from NGOs, the private sector, and churches, as well as public resources from the municipal government. They have used the donations to hire private ambulances and medical teams, set up a field hospital, and hand out food baskets and hygiene products. They have also organized a team of street presidents, each responsible for creating files for 50 families (names, IDs, number of people per house, health information), explaining pandemic health guidelines, collecting information on virus symptoms, and handing out food, soap, etc. The private medical

teams are expensive (according to one analysis, such a team may have a daily cost of US\$1130 [de Oliveira 2020]), but the residents' association refuses to divulge the source of most of this funding.

Luiz says that there is a friendly competition in the handing out of food baskets, with the faction and some street presidents comparing who has distributed more. The faction helping the needy in this way is not new. Prior to the beginning of the pandemic, Hilgers was sitting on a street corner with Luiz one afternoon when several people interrupted our conversation to ask where the food baskets were being distributed that day. Luiz directed them up the street and explained to me that the handouts were being given by '*a facção*'. The faction is also distributing cooking gas and medication. Luiz says that anyone in need can go to them to ask for help, but people are asked to register, to create a record of who has received help and to make sure that the resources are not going to people who will squander them.

Sometimes there is no clear line between who is doing what. Maria is a street president who also uses her own resources to help out, sometimes cooking huge pots of soup to take to *cracolândia*, and one of her sons runs with the group of young men guarding the entry to *cracolândia*. Luiz says, 'now everyone is united' (fieldnotes).

The pandemic has surely heightened patterns of illicit governance, but its effectiveness and longevity remain unclear. Gang members admit that enforcing measures such as quarantines is difficult (Walsh et al. 2020) and their actions appear not to be coordinated but the decisions of individual leaders (Barretto & Phillips 2020). Various state levels may also have had a crisis-induced *laissez-faire* approach to illicit governance that will not last, as suggested by the Rio de Janeiro police's renewed effort to occupy favelas (Araújo & Almeida 2022).

CONCLUSION

In Brazil, the pandemic has created a new political cleavage of denial versus seriousness about the pandemic, albeit more at the national than local level. The result has been that social movements and civil society actors have engaged in lobbying to pressure the federal government to take the situation seriously. These efforts appear to be producing new political alignments within and between established political parties operating at the national level. Yet this does not mean that anti-denial activists have completely forgotten local conditions. Many are also using direct action to provide reliable information and emergency aid to the public, undertaking such initiatives autonomously rather than working with the government so as to generate immediate and long-term public policy to deal with the pandemic (Abers et al. 2021). To a great degree, this same dynamic is being reproduced in favelas, where both civil society organizations and illicit actors have stepped into the breach to aid residents.

That state and municipal level governments may reinforce their own agendas in policymaking and implementation does not necessarily mean that they are going to govern on behalf of their most vulnerable constituents, many of whom face neglect and socio-spatial marginalization in their everyday lives and whose precarity has increased with the pandemic. In fact, in their responses authorities may reproduce the federal/local governance divide but at the local/neighbourhood level. Municipal governments are indeed worried about policies and plans that do not necessarily unfold evenly across neighbourhoods. Because of this, they also recognize that those who are closest to the people in the favelas are both civil society organizations and illicit local leaders. Local governing authorities also may need to rely on these actors because state-level pandemic policies routinely demonstrate a lack of understanding of favela reality – especially the fact that it is difficult for people in the favelas to follow social distancing, quarantine, and hand washing policies when people live in overcrowded conditions, with six or seven people sleeping in one room in houses that do not have good ventilation or sometimes do not even have running water, and where people have to go out to look for work to survive (de Oliveira 2020). City-level leaders are more cognizant of these realities, and even when they cannot serve all their populations equally with general urban policy, they provide information and resources to residents, community leaders, and businesses to help organize local health care and address the pandemic-induced economic crisis.

For example, between the beginning of the pandemic and April 2020, 53% of favela residents saw their income cut in half and 60% faced food shortages (de Oliveira 2020), but local businesses did their best to keep resources flowing. According to national level IBGE data, the construction, commerce, and services sectors let go over 30% of their employees in 2020, while 89% of local businesses in the favelas kept their employees, likely because these are small businesses where owners know the employees well. Owners may have reduced hours, but evidence suggests that they will not fire people because of the solidarity networks tying them together (Rupp 2021). In the face of such responses, one can imagine that a possible outcome of the pandemic is a strengthening of urban sovereignty – or demands for it – at the local level. Some of this comes from the shared commitments or ‘imagined community of allegiance’ (Davis 2009) that bring residents, licit, and illicit governing actors together to weather the pandemic. When it comes to urban livelihoods, in fact, it appears that both state and non-state actors supplant such aims by enforcing their own versions of this social contract on a daily basis. In this sense, ‘criminal groups may help *maintain* the modern-day nation state’ (Dudley 2020), but at the local level, particularly when federal level authorities fail to do so. During and after the pandemic, people’s lives have been very much focused on conditions at the urban scale – they are ‘hyper-local’ – making those who create and enforce the rules at the scale of the city the most important governance actors (Dudley 2020). Some of this was already going on, of course, especially in those spaces where informal activities are widespread; but the exploding importance of informal economic activities during the pandemic shows just how weak the national state is, making the strengthening of the local state – or urban sovereignty – even more important. Since the pandemic hit, residents have increasingly acknowledged the interdependence between themselves and the wide range of licit and illicit leaders that persist even as other signs of normalcy disappear, further reinforcing this social contract.

In the age of pandemics, then, subsumed logics of hybrid governance built on the relationality and interpenetration of licit and illicit governing relationships are surfacing in heretofore unseen ways, although whether their visibility implies an entirely new form of governance is far from certain. In this context, we must thus ask about citizenship – if only because, if these shifts do suggest a new hybridity built on a fundamentally different balance of power, what happens to the capacities of citizens to assert their own preferences? Will new forms of mobilization or relatively autonomous claim-making be required? As the days and months of quarantine, distancing, and isolation drag on, and as local, national, and global economies continue their downward trundle, we are beginning to see popular stirrings among individuals and collectivities who are pushing back against distant governing authorities when they see health-justified policy actions as undermining other local aspirations like everyday freedom and autonomy. Those engaging in such responses have their ideological underpinnings, to be sure. Yet for every right-wing group outraged that the state is overstepping its bounds, there are collectivities of the historically disenfranchised, the oppressed, and the marginalized who are clamoring for more everyday protection of their health and their livelihoods. The reality is that citizens in the latter category are also more likely to be the subject of punitive policing actions disguised as health measures. Yet this also means that these citizens may be more readily mobilized to question the longstanding sovereignty and governance arrangements that helped institutionalize their extreme vulnerabilities in the first place.

In light of these trends, we return to our originating questions. Will the relations between criminal leaders and residents endure or even strengthen through the pandemic? And if so, for good or bad, and with what impacts on sovereignty? Will changes in the relationships between the rulers and the ruled at the urban scale alter the larger context of co-existing sovereignties in which licit and illicit governance regimes continue to operate on different spatial scales or unevenly across urban and national territories? We will have to wait a bit longer to answer these questions, not just because of the durability of the institutions and actors addressing the current pandemic, but also because of the persistence of the virus itself.

ACKNOWLEDGEMENTS

This paper builds upon, but takes in new directions, an essay written jointly by Graham Denyer-Willis and Diane E. Davis for a prior *Illicitities* blog post. We thank Graham for his many powerful ideas and insights, which inspired us to develop them into a fuller-fledged discussion of Brazil and other Latin American countries in this paper, using our own fieldwork and materials. We also thank two anonymous reviewers for comments and questions that helped us to strengthen the paper.

Fieldwork data from Brazil were collected as part of Hilgers' projects funded by the Fonds de recherche du Québec – société et culture and the Social Science and Humanities Research Council of Canada.

COMPETING INTERESTS


The authors have no competing interests to declare.

AUTHOR CONTRIBUTIONS

This paper is a joint collaboration with both authors equally responsible, and thus the ordering of authorship is purely alphabetical.

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TO CITE THIS ARTICLE:

Davis, DE and Hilgers, T.
2022. The Pandemic and
Organized Crime in Urban Latin
America: New Sovereignty
Arrangements or Business
as Usual? *Journal of Illicit
Economies and Development*,
4(3), pp. 241–256. DOI: <https://doi.org/10.31389/jied.134>

Submitted: 18 September
2021

Accepted: 22 March 2022

Published: 21 December 2022

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*Journal of Illicit Economies
and Development* is a peer-
reviewed open access journal
published by LSE Press.