



# Elites and Violence in Latin America

## Logics of the Fragmented Security State

Jenny Pearce

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## About the author

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## Abstract

While Latin America's high levels of chronic violence are mostly carried out by poor young men and mostly cost the lives of poor young men, the conditions for its reproduction are generated by logics of elite power and wealth accumulation. Drawing on more than 70 interviews with oligarchic elites from Colombia and Mexico, the paper offers propositions for further empirical research into these logics. It discusses why it makes sense to use the term "oligarchic elites" to analyse both the failure to invest in the rule of law and also the elite preference for a fragmented security state whose permeability facilitates influence trafficking. It studies the direct and indirect relationships between elites and varied forms of violence, exploring how they have affected the nature of the state in Latin America, the diffusion of criminal violences, and the emergence of micro criminal orders in many parts of the region. Latin America's history of social action against violences – not least disappearances, femicide, forced displacement, and state torture – should extend to de-sanctioning violence as a phenomenon. This could open up spaces for social and political participation to create the conditions of social justice which reduce violence.

## Introduction<sup>1</sup>

The poorest in Latin America constitute the majority of victims of violence in the region. A telling statistic, for instance, is that there is a one in 50 chance of young males living in low-income settings in Latin America being killed before they reach their 31st birthday (Moestue et al, 2013). Poor young men tend to be the main victims and perpetrators of lethal violence. At the same time, over half of the 25 countries with the highest rates of femicide/feminicide in the world are in the Caribbean, Central America, and South America (Small Arms Survey, 2012). The majority of victims are poor young women.

The relationship between poverty and violence in Latin America is widely acknowledged (Briceño Leon and Zubillaga, 2002, p.35):

Even though the privileged sectors of society monopolize the media's attention and impose the violence of regimes of distance and proximity, it is the poor who make up most of the victims, as well as most of the aggressors. A large part of the urban violence which wounds and kills members of the lower strata comes out of those strata themselves: due to poverty, discontent, frustrated expectations, making war to survive by holding on to a small-scale drug market, or because people do not know how to successfully resolve a dispute with a neighbour in an environment in which there is no law enforcement.

However, as Latin America becomes ever more engulfed in a crisis of violence, this paper argues that it is time to turn empirically and analytically to the role of elites. This switches the focus to the social and economic logics of violence reproduction and away from the spaces, territories, and individuals most immediately affected by them. The paper analyses how far the rich in Latin America are responsible for the logics behind violence reproduction amongst the poorest. It does so conceptually, but with an empirical grounding in more than 70 interviews with elites in Colombia and Mexico carried out across 2014 and 2015. The crisis of violence in Latin America is also a state security crisis. And the latter reflects the kind of state through which Latin American elites – and in particular oligarchic elites defined by wealth rather than power and status alone – believe best protects and promotes their interests. This state is what I call a 'fragmented security state', building on Durán Martínez's (2015) explorations of the links between drug trafficking and violence.

The fragmented security state is a state whose security services offer fractured, selective security, whose outcome is the reproduction of violence in society, and particularly amongst the poorest sectors. The permeability of this state is what matters to elites. They can mostly guarantee personal security through private means. However, retaining this permeability to interest trafficking ensures that proven procedures of violence reduction, such as an independent and autonomous legal system (Bowen, 2013; 2017), are only partially on the agenda. The "partiality" privileges the guarantees of

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<sup>1</sup> This paper was originally delivered at the conference "Los desafíos del desarrollo y la democracia en Guatemala: la cooptación del Estado", Universidad Rafael Landívar, Guatemala City, September 2017. My thanks to Patrick Illmer for comments on the first draft.

property rights and business transactions over criminal and civil law and rights. Violence remains not only part of the state's policy repertoire, but also unbound by legality. It becomes a de facto, everyday tool of political, social and economic interactions. It is selectively used with impunity by state security actors and sanctioned by bureaucratic and political ones. Some of these state actors choose to ally or do deals with traditional and new wealth-accumulating elites, both non-criminal and criminal. The distinction between criminal and legal transactions itself becomes blurred.<sup>2</sup> Criminal elites calculate the advantages and disadvantages of performative acts of violence vis-à-vis discrete killings and disappearances. The state security offer further fragments, thereby fostering and concealing corruption. By this logic, oligarchic elites, criminal elites, and state actors work in mutually advantageous, if fractured and fracturing, symbiosis. These processes shape the very nature of the state itself, as well as its commitment and capacity to address violence and crime. The solutions which appear to be "centralised" rather than part of this fragmented security offer, are those which focus on the poor. This is when, for instance, the military or militarised police are sent into poor communities to fight gangs and wage a "war on crime", as has happened increasingly over the last two decades, with serious implications for democracy.

The paper starts by describing the crisis both of violence and of security in Latin America. First, this paper locates this crisis in the unfulfilled promise of democratisation following transitions from military and authoritarian rule in Latin America as the Cold War came to an end. Second, it broaches the difficult question of what we mean by "elites". Third, it examines the relationship of "oligarchic elites", which are the focus of this paper, to the central ideas of the Weberian state: violence monopolisation, legality, and legitimacy. It then explores the violences important to these elites, investigating how their efforts to avoid the everyday violences of the poor impact on the addressing and reproduction of violences by the state. Finally, it briefly reviews recent reconceptualisations of state-elite relationships, asking what they can tell us about the future trajectory of violence in Latin America. While it offers a wide overview, this paper is also keenly aware of the peculiarities of particular countries and hopes to foster further research into how different contexts can confirm or challenge its propositions.

## **Wealth and Violence in Post-Authoritarian Latin America**

This section is concerned with how reconfigurations of power, politics, and accumulation in post-authoritarian Latin America relate to the high levels of violence in the region, as well as how the latter relate to the ways in which elites have protected their economic and political advantages. The discussion is not about causality. Violence cannot be reduced to one "cause". In their contribution to a study on the costs of crime and violence in Latin America, Jaitman and Torre (2017, p.31) suggest a puzzling anomaly with respect to violence in Latin American and the Caribbean. These countries, the authors argue: "are more violent than what their poverty or inequality rates would imply". At least 14 countries saw a decline in the Gini coefficient between 2003 and 2012

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<sup>2</sup> See Insight Crime's important case studies of elites and organised crime in Guatemala, Colombia, and Honduras (Gutiérrez, 2016; Stone, 2016; Dudley, 2016).

(Chioda, 2017, p.7), whereas poverty also declined and the middle class grew.<sup>3</sup> The idea of an “anomaly” does not quite capture the historic and continuing concentration of wealth in the region, despite improvements under conditions of economic growth and redistributive left governments. However, it does suggest the need to broaden the range of questions posed about the factors that have contributed to the reproduction of violence in the region during an epoch of economic growth. While inequality (rather than poverty) correlates with violence (cf. Wilkinson and Pickett, 2011), the logics behind this are varied. Our concern here is not with how the “disadvantaged” are drawn into violence, but rather whether the “advantaged” might be generating the conditions for it.

Latin America is responsible for 33 per cent of homicides in the world with only 9 per cent of the global population (UNODC, 2013; Economist, 2018).<sup>4</sup> Violence grew in the region throughout the 2000s, despite continuous economic growth between 2000 and 2012. The annual growth rate of homicides (3.7%) outstripped population growth (1.15%) between 2005 and 2012 (Chioda, 2017, p.1). There are variations both intra-regional and in-country. Chile, Uruguay, and Argentina have levels of homicide much lower than Brazil, Colombia, and Venezuela (UNODC, 2013, p.22), whereas Central America along with Southern Africa represent the sub-regions with the highest homicide rates on record, followed by South America, Middle Africa, and the Caribbean (ibid). The overall picture points to a serious and persistent problem of violence, yet rarely do elites figure in descriptions of the problem.

The inequality of experience of violences reflects, and in turn impacts on, inequality in the provision and quality of security, access to justice, and the range of rights that make citizenship meaningful.<sup>5</sup> Aside from being the most violent region in the world, Latin America remains one of the most unequal in terms of income distribution, in addition to ongoing gender and horizontal inequalities around race and ethnicity. Differentiated experiences of violences, like social inequality, cannot be disassociated from Latin America’s insertion into the global political economy of accumulation, which emerged in the 1990s as prolonged periods of military and authoritarian rule were coming to an end. This political economy of the “democratic era” has seen disproportionate wealth and power accrue to those who dominate markets and property ownership (Oxfam, 2016).<sup>6</sup>

<sup>3</sup> Latin America has always had very high levels of inequality and poverty. Oxfam found (2016) that after the bonanza years of the 2000s poverty had declined from 44 per cent of the population in 2002 to 28 per cent in 2012. Inequality reduced less, but still by 10 per cent: from a Gini of 0.54 in 1999 to 0.486 in 2013. However, in 2013, some 165 million people – over a quarter of the region’s population – still lived in poverty, with 69 million of them indigent. As the boom has ended, these figures may soon increase. For now, a disaggregation of the distribution of income, wealth, and land ownership in the world shows that Latin America and the Caribbean is the most unequal region in terms of income and land ownership, as well as being one of the most unequal in terms of wealth and property.

<sup>4</sup> The Economist puts this differently: 8 per cent of the world’s population and 38 per cent of its criminal killings.

<sup>5</sup> This paper refers to “violence” as a phenomenon with multiple expressions or plural violences (Pearce, 2016).

<sup>6</sup> Despite the small reduction in inequality during the boom years, the wealthiest 10 per cent in Latin America captured 37 per cent of the region’s total income in 2014. In 2014 the top decile owned 70.8 per cent of wealth and property. The concentration is even greater for the wealthiest 1 per cent: this group possesses 41 per cent of wealth and property, while just 32 individuals have wealth equal to that of the poorer half of the population. Based on Forbes lists of multi-millionaires (2002-2015), the wealth of the top 1 per cent grew on average at an annual 21 per cent. That is, six times faster than GDP, which averaged 3.5 per cent a year, and 6 percentage points higher than the growth of wealth in the rest of the world. The rich captured the largest share of Latin America’s economic growth in the 2000s (Oxfam, 2016).

Many (not all) traditional elites managed to adapt to the era of economic and political liberalisation. Prevailing global norms turned against all forms of state regulation, encouraging instead the privatisation of publicly owned assets. Economic elites found new ways to promote and protect their interests and guarantee influence in the competitive party politics ushered in with democratisation. The latter also proved permissive to the expansion of illegal economic activities. In many countries of the region, the illegal economy has played an increasingly important role in funding the competitive politics of the post-authoritarian era.

It is not that crime and illegal trafficking did not exist under authoritarian rule. However, they were usually “managed”, serving to lubricate clientelistic networks of state patronage. As democratic elections opened up party competition for power, so both corporate money and the proceeds of organised crime have been allowed to fund electoral campaigns.<sup>7</sup> Market opportunities have been gained not through free competition but through leverage accrued via elite networks, flows of illegal capital, and privileged access to state institutions and contracts. Elites primarily centred on legal business pursuits nevertheless cohabit a universe of illegal accumulation, which many choose – or have had to choose – to work alongside rather than against.

The ruptures with Latin America’s authoritarian period should not be exaggerated. Studies have pointed to the way military and authoritarian regimes in Latin America always involved collaborations between state armed institutions and informal civilian and private armed groups. Thus, José Miguel Cruz (2016, p.163) points out with respect to Central America’s Northern Triangle (El Salvador, Guatemala, and Honduras) that:

It is impossible to understand Central American state violence today without recognising that in the past violence was wielded not only by formal institutions, but also routinely by informal groups partnering with the state. Transitions to “democracy” did not eradicate these precedents in El Salvador or Guatemala.

However, it remains a key question as to why patterns of economic accumulation and decades of economic growth in Latin America have not incentivised elite investment in the rule of law, or even in a violence-monopolising state through the disarmament of private citizens? And why has state violence in the name of “legitimate violence” often

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<sup>7</sup> This was already apparent in Colombia in the 1980s, where both sides perceived mutual benefits. Colombia was only briefly under military government in the 1950s, following its civil war (La Violencia). The two parties who fought that war subsequently pacted to alternate in government for sixteen years. As the pact came to an end, party contestation opened up again, but by the 1970s drugs money could be used to finance campaigns. Castillo (1988, p.224, quoted and translated in Pearce, 1990, p.192) reports a meeting of the Cali mafia in which was said: “We have to finance the campaigns of the politicians and keep them on our side. We can participate in business without causing a scandal, in family businesses so that they get used to dealing with us. In the end, they receive innumerable benefits”. Campaign funding has become a notable form of corruption in many Latin American countries. This involves not only illegal drug money but also legal corporations, such as the giant Brazilian construction firm Odebrecht, which stands accused of funding numerous election campaigns. According to a BBC (2017) report compiled from data from the US Department of Justice, El País and La Prensa Gráfica, government officials and politicians in Brazil, Venezuela, Dominican Republic, Panama, Argentina, Ecuador, Peru, Guatemala, Colombia, and Mexico have all admitted taking bribes from Odebrecht. There are pending allegations in El Salvador, and Chile is under investigation. The former CEO of Odebrecht started a 19 year prison sentence in Brazil in 2016, while some 70 executives have been imprisoned but agreed plea deals.



been outside the rule of law? Many examples also remain of “non-criminalised elites” nevertheless resorting to violence to defend their interests. Mining and energy companies, for example, have been implicated in many acts of violence against indigenous peoples attempting to protect their land. The most notorious recent example is the arrest in March 2018 of David Castillo Mejía, executive president of the company (Desarrollos Energéticos SA, DESA) building the Agua Zarca dam in Honduras. He stands accused of being the intellectual author of the murder of Bertha Caceres, a leading campaigner against the project, who was shot in her bedroom in March 2016.

The role of elites is critical to understanding post-authoritarian violences in Latin America. It is to this group that incentives must appeal if the minimum agenda for modern Weberian statehood is to be achieved. But we first of all need to consider which “elites” we are talking about.

## **Which Elites Matter to Violence Reproduction?**

So far, the word “elite” has not been defined. Though this definition is clearly both important and complex, this paper can only sketch out key issues. There is a long history of debate on how to conceptualise the concentration of power and wealth in the hands of the “few” and whether this is inevitable, as classical elite theorists (notably Mosca, Pareto and Michels) argued. In the 1960s, a seminar on Elites and Development in Latin America culminated in an important collection of essays (Lipset and Solari, 1967). The editors’ premise was a reaction to the Marxist analysis of the time, and they propose that “whatever the predominant economic structure of a society – feudal, capitalist, state collectivist, some other type, or a combination of types – the distinction between elites and non-elites will persist” (ibid, p.vii). “Elites versus the masses” has been a persistent leitmotiv in the mainstream study of Latin America. Elites can in principle be powerful in varied fields: there are religious, labour, and administrative elites, as well as business and political elites.

Contemporary theorists emphasise problems of convergence and disunity amongst elites. Referring to political elites in liberal democracies, Higley and Burton (2006, p.7) define elites in terms of the capacity of small groups “who are able, by virtue of their strategic positions in powerful organisations and movements, to affect political outcomes regularly and substantially”. Somewhat echoing North et al (2009), they highlight the centrality of elite consensus to the very possibility of liberal democracy, alongside the willingness of elites “to moderate their conflicts and hold politics to relatively small risks” (ibid, p.202).

These discussions do not tend to highlight the difference it makes if you have wealth as well as status and power, given that these do not necessarily coincide. At the very least, power does not always imply wealth, and wealth does not always imply status. Nor do they consider how different sources of wealth or power (or both) might originate and motivate attitudes towards the state, as well as towards other elites. Preserving the status of traditional wealth was one of the tensions between the Medellín Cartel and the Medellín elites; the refusal to allow Pablo Escobar membership of the Club Campestre

(Country Club) is a notorious example. In Latin America, these differences between wealth, status, and power matter so much that there is a question mark over whether the generic term “elite” should be used at all. The word has metamorphosed over time, and conceptually these changing meanings reflect both shifting social attitudes and shifting social theory. Marxists have always argued that the word dilutes the real class logics behind power and wealth creation; in other words, the relationship to the means of production. Yet this relationship has crept back into scholarship as rising global inequality has led to new conceptualisations of the nature of economic power in the 21st century and new analyses of its social and political impacts. Jeffrey Winters (2011, p.18), has made a strong case for using the term oligarchy rather than elite, precisely because it draws attention to wealth as the main power resource:

Wealth is the power resource that defines oligarchs and sets in motion the politics and processes of oligarchy. Material power resources provide the foundation on which oligarchs stand as formidable political actors.....The sheer versatility of material power is what makes it so significant politically.

I thus prefer (and will here adopt) the term “oligarchic elites”, which addresses Winter’s distinction while also preserving the issues of status and power highlighted in the classical conceptualisation. The notion of the “defence of wealth” brings us closer to why talking about elites and violence leads us to those elites with particular material resources to protect. This means understanding such elites also as “agents”, as anthropologist Cris Shore (2002, p.4) has explored:

the very idea of “elites”, suggests qualities of “agency”, “exclusivity”, “power” and an apparent separation from “mass society” – concepts that, in different ways, oblige us to consider related themes of stratification, hierarchy, brokers and causal agents behind events. Elites thus “represent a way of conceiving power in society and attributing responsibility to persons rather than to impersonal structures”. (Marcus, 1983:10) [citation in original]

Shore’s emphasis on agency somewhat challenges the Marxist emphasis on classes as structures whose logics relate back to particular modes of production. Shore suggests that even within those latter logics, elites have subjective motivations. These are connected precisely to power and social status, as well as to wealth and accumulation. They generate subjectivities that enable us to ask: what kind of societies emerge when agency is exercised by the few in contexts that they both construct and act on? They do so according to logics of wealth and ownership, *as well as* to subjective experiences and desires around status, wealth defence, elite reproduction, and inter-elite relationships. The literature on elite settlements and pacts assumes agency implicitly, although this is rarely researched as such. Shore argues that elites appear in structuralist sociology to be a “category” rather than a “group”. Thinking of elites as a category allows for differentiation within oligarchic elites as well as between them and other elites. And, as Shore points out, the informal dimensions of elites and their interactions, their friendships, kinships, their rituals, symbolic and intimate behaviour, also shed light on their behaviour and motivations (Shore, 2002, p.11). This potentially allows for empirical disaggregation of differential positions on wealth-production processes and rent

seeking, on legality and illegality, within the category “elites”. This might provide additional insights into how such positioning impacts on attitudes towards violence and the rule of law. It enables us to ask when and in what circumstances some oligarchic elites might opt for the latter.

In Latin America, cattle ranchers and plantation owners have been associated with death squads and paramilitaries in Chiapas, Mexico, in Córdoba and other regions of Colombia, and in the north-east of Brazil.<sup>8</sup> As mentioned above, mining and energy companies have also used violence against environmental activists and indigenous communities in Honduras, with further cases in Guatemala, Ecuador, Peru, Colombia, and beyond. In Colombia, companies associated with the expansion of African palm in the 1990s and 2000s have been linked to paramilitary groups and the dispossession of peasants in the Chocó and other regions. The construction sector in Latin America has particular fortunes to gain from contracts with the State. To what lengths will they go to win and protect these? Odebrecht is a Brazilian construction company that gained hugely from such contracts, while politicians used the bribes for their electoral campaigns. Here a synergy is formed between one economic sector and political elites, both of whom gain from ensuring there is no effective rule of law. In interviews with oligarchic elites from the globally oriented financial and manufacturing sectors in Monterrey, Mexico, the distinction between businesses dependent on state contracts (construction, for example) and those not (beer production) was highlighted by the elites themselves. The previous example of cattle ranching and agro-exports are indicative of contexts where a sector of the elites might become directly involved in violence.

These examples point to a research question: how far are the incentives not to invest in the rule of law linked to sectoral economic interests and logics as opposed to the interests of oligarchic elites within the broad category of elites? When does the defence of wealth lead to actual involvement in violence? Winters (2011, pp.24-5) reminds us that the latter is always possible:

The character of oligarchy is inseparable from the nature of the property defence regime. When property rights are weak and threats to property claims are high, oligarchy becomes more visible because oligarchs engage directly and personally in the coercion needed to defeat threats to their fortunes.

Winters (*ibid*) also highlights the different character of oligarchy under conditions where fortunes are highly secure and defended institutionally by a state that maintains a:

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<sup>8</sup> See, for example, Nizah Richani’s (2013) analysis of the political economy of war and peace in Colombia. He quotes an interview with Raul Hasbún, a wealthy banana plantation owner in Urabá, who also became a Commander of the AUC paramilitaries/self-defence groups: “...there is no cattle rancher or an owner of (a) banana plantation in the rural areas that did not have relationship with the auto-defences” (quoted in Richani, 2013, p.223). Hasbún has stated that 4,000 agribusinesses in Urabá gave regular financial support to the AUC (*ibid*, p.224). See also the work of Gutiérrez Sanín and Vargas (2017).

permanently organised apparatus for violence and holds a reliable monopoly on the means of coercion. This shift in the locus of property defence from wealthy individuals to an external guarantor dramatically changes the character of oligarchy, but does not eliminate oligarchs or oligarchy itself.

In Latin America, the defence of property and income still requires elite agency and shapes the priorities of its oligarchic elites. There is no external guarantor in the state. Rather there are individuals to lobby and suborn, in a context where the rule of law is weak, public security underfunded, and its agents corruptible. In addition, the emergence of illegal rent seeking and trafficking has opened up new routes to rapid wealth accumulation, thrusting the successful into an “elite” category in terms of wealth, but one whose social status (if less so its money) is compromised and even resisted by established elites. Understood in terms of logics of rent seeking and wealth accumulation rather than legality and illegality, how do the dominant actors in the legal and illegal sectors use and respond to violence?

In the case of illegal trafficking, the question of violence has been the subject of a number of studies. The dramatic rise and often performative character of the violence in Mexico and the Northern Triangle has attracted particular attention. Here violence is not always associated with organised crime and trafficking, and variations in its use need explanation. Durán Martínez (2015) has used the *visibility* or not of drug-related violence to explore the logics behind these variations. She suggests that it is state cohesion as opposed to fragmentation of the state security apparatus, on the one hand, and the level of competition in the illegal market, on the other, which best explain why violence is used and whether it is visible or not (ibid, p.1383, emphasis removed):

A cohesive state apparatus is likely to reduce the visibility of violence because it makes state protection more reliable or enforcement more efficient. By contrast, a fragmented security apparatus is likely to increase the visibility of violence because it makes protection less predictable or enforcement less effective.

Durán Martínez concludes that “paradoxically a cohesive state more able to enforce the law can also successfully protect criminals” (ibid). Latin America’s oligarchic elites might prefer a protective state. However, in neither the cohesive nor the fragmented case are there incentives to promote a law-based state as such. The protection of interests can be achieved bilaterally, i.e. without the mediation of a system of impersonal rules, or with a minimum set of such rules for commercial regulation and flexible application of criminal law. In Brazil, this has led to what the media have dubbed a “*guerra jurídica*” (judicial war) centred on the detention of former President Lula in April 2018. In the case of criminals, “a cohesive protector state deters criminals from using visible violence that could force the state to act” (ibid, p.1383). This might explain why in Medellín, the local *combos* (criminal gangs) have accepted the municipality’s aim of reducing homicides. Permission of the *combo* leader is required to “murder”.<sup>9</sup> Meanwhile, extortion continues with impunity.

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<sup>9</sup> Field interviews, Comuna 1, 2015.

In Latin America, it is the fragmentation of the state security apparatus which stands out.<sup>10</sup> The transitions to democracy in Latin America eroded the containment model of authoritarian control and selective violence (against political oppositions and armed insurgents), with variations across the region in terms of elite-state relationships and the capacity of outsiders to challenge them. The outcome, with notable exceptions, has been a truly vicious cycle of violence. Democratisation cannot be equated with commitment to the Weberian state in Latin America.

## **Latin American Oligarchic Elites and the Weberian State**

Latin American oligarchic elites in many countries of the region have not embraced the principles of the Weberian ideal state. This state is based on the rule of law with capacity for infrastructural as well as despotic power (Mann, 1986), as well as the ability to monopolise violence legitimately throughout its territory. Infrastructural power might include taxation to fund the state and publicly oriented activities, something that is systematically resisted in the region.<sup>11</sup> It was not long after the transitions to democracy during the 1980s and 1990s that political scientists recognised this deficit and its impact on democracy. Guillermo O'Donnell (1999, p.313), for instance, highlighted the:

severe incompleteness of the state, especially of its legal dimension. In most cases, in Latin America and elsewhere this incompleteness has increased during democratization, at the rhythm of economic crises and the sternly antistatist economic policies that prevailed until recently.

Reflecting conclusions from my own field research, in the same essay (*ibid*, p.320) he also makes the important point that legal and judicial reforms “are strongly oriented toward the perceived interests of the dominant sectors (basically domestic and international commercial law, some aspects of civil law, and the more purely repressive aspects of criminal law)”. Colombia, where competitive electoral politics were re-introduced after the violence-reducing National Front Pact (1959-1974), did not suffer the same forms of authoritarianism found elsewhere in Latin America. This illustrates how oligarchic elite interests fail to coalesce around the rule of law despite democratisation. While there have been limited advances in civil law, particularly after the peace agreement with insurgents in the early 1990s and around the 1991 Constitution, these have not been promoted by the oligarchic elite, as was clear in my interviews with the rector of a leading university and members of the profession. The children of those elites that studied law at the country's top university went on to dedicate their time to commercial law. One important issue raised concerned the extent to which the efforts to improve civil law from the 1990s onwards came instead from children of middle class families who did not necessarily go to the top universities but

<sup>10</sup> The deals done between the PRI and drug traffickers under the cohesive Mexican state controlled by that party compared to the rise of violence in the 2000s when the PRI lost control of the state underscores the impact of fragmentation.

<sup>11</sup> See for example, the ICEFI study on taxation and elites in Central America (ICEFI, 2011).



were willing to take on abuse of power.<sup>12</sup> It was they who ensured, for example, that the Constitutional Court established in 1991 was partially able to hold to account the authoritarianism of President Uribe (2002-2010). Similarly, there have been efforts by courageous democratic lawyers to reform courts and the justice system in other Latin American countries.<sup>13</sup> In an insightful discussion of the varied models of judicial politics in Central America, Bowen (2013; 2017) distinguishes between the conventional emphasis on judicial independence and “judicial autonomy”. The influence of extra-governmental actors on the judiciary arguably has even more pernicious effects on the prospects of a rule of law to protect ordinary citizens than does a lack of judicial independence in inter-institutional terms.

Access to law remains a privilege in Latin America, as does the ability to manipulate it. Social and economic inequality “subvert” the rule of law (Vilhena Vieira, 2015, p.23), eroding “reciprocity, both in the moral and the mutual advantage sense, thus impairing the integrity of the rule of law” (ibid). Why does the rule of law matter so much? There are many reasons, and some are quite complex. Here our concern is with its relationship to violence reduction in terms of particular histories of state formation. To emphasise the importance of the rule of law is not to equate the law with punitive power, something which has undoubtedly been enhanced in Latin America. Prison populations have skyrocketed since the early 1990s.<sup>14</sup> In a normative sense, the rule of law is a humanising project based on reciprocity, whereby value is given to human life and redress is made according to transparent rules and evidence when that life is taken. In an historical sense, the failure to address violence through legal procedures – resulting in what is called “impunity” – does appear to correlate with the rise of violence, as measured in homicides.

In his argument for reducing homicides by 50 per cent over the next 30 years, criminologist and historian Manuel Eisner (2015) includes a table on homicide rates and the likelihood of criminal conviction in selected countries. It shows, for instance, that between 2011 and 2013 the conviction rate in Guatemala was 7 per 100, with a homicide rate of 40 homicides per 100,000 people; the figures for El Salvador were 5 per 100 murders with a homicide rate of 58; Mexico was 18 per 100 with a homicide rate of 22; England and Wales had a conviction rate of 79 per 100 (2003/4-2008/9) and a homicide rate of 1 per 100,000. In Latin America, criminal conviction (when it does happen) has tended to overfill prisons and thus generate spaces for more abuse, criminality, and violence reproduction.

Eisner and others (Eisner, 2014; Cooney, 1997) have argued that the relationship of elites to the process of accepting the rule of law was key to the European experience. The decline in private intra-elite violence preceded the general decline in male-on-male

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<sup>12</sup> When I put this in April 2018 in Bogota to an influential public prosecutor (*fiscal*) of thirty years’ experience, he responded: “*no es una hipótesis loca*” (that is not a mad hypothesis).

<sup>13</sup> Personal interviews with Guatemalan lawyer Erick Juárez, who I have interviewed repeatedly since the 1990s about his efforts to reform legal practice in Quetzaltenango, Guatemala, and beyond.

<sup>14</sup> In Brazil, the prison population rose from 173,000 in 1995 to over 500,000 in 2017, the fourth highest in the world. El Salvador’s prison population rose from 5,000 in 1992 to over 33,000 and Mexico’s from 155,000 to 239,000 in 2012 (Dudley and Bargent, 2017).

homicides (Eisner, 2014). In a study of homicide statistics, Eisner (2003, p.118) concluded:

the transition to lower overall levels of interpersonal criminal violence, one might hypothesize, was accompanied by an overproportional withdrawal of the elite from the use of physical aggression to seize and defend their interests.

One of the most important variables in this story, was the agreement to hand over the task of revenge to a “third party”. When elites opted to address their own conflicts in this way, they opened up the possibility of a rule-based – and eventually law-based – approach to addressing violence. Eisner draws upon Norberto Elias’s “civilizing process” to account for how and why elites opted for this path in early modern Europe (Elias, 1994; 2005; also Pearce, forthcoming). This filtered down over many decades to the rest of society, and levels of interpersonal violence, particularly male-on-male homicides, gradually diminished. This is not an aspect of the European story which conveys a “European model” of violence reduction. European elites were also behind violent colonial expansion, as well as inter- and intra-state violences, state violence against workers and other social movements, and even the genocide of the Holocaust. However, in terms of male-on-male interpersonal violences and their decline, Eisner’s interpretation highlights the historical centrality of elite incentives to agree in the first instance to external adjudication of intra-elite conflicts.

The evidence that ending impunity correlates with homicide reduction cannot be brushed aside, even if this does not account for all violences. Most Latin American countries lack not only an impartially administered rule of law, but also security institutions that operate effectively while remaining subject to the law. This is only part of the story of the relationship of elites to state building and violence management. North et al (2009) juxtapose two routes to the latter, one of which leads to “Open Access Orders” where violence is limited through institutions and rules that alter the payoffs of violent behaviour. By contrast, “Limited Access Orders” are the outcome of the internal dynamics of relationships between elites that form part of a dominant coalition. In an historical narrative which remains controversial (e.g. Faúndez, 2016), North et al argue that elites in Open Access Orders – understood historically rather than conceptually, and in terms of powerful individuals and organisational expressions of their social identity (North, 2009, p.34) – agreed to cede privileges in exchange for a system of impersonal rights. The extent to which the authors have captured how and why the privileged would give up privileges is part of the controversy surrounding their narrative. The authors do at least contest the idea of the state as “single actor” through their focus on how *powerful individuals* “credibly commit to stop fighting” (ibid, p.18). Understanding the patterns of containment of violence starts with elites rather than imagining the state as a “single coercive individual with a monopoly on violence” (ibid, p.259):

to understand the control of violence, we must begin with a group of powerful individuals, constrained by a set of self-enforcing arrangements, who manage to increase the degree of specialisation within their coalition organisation by allowing some members to specialise in violence, some in economic activities, and some in political activities.

In Latin America, elites have also entered into various self-interested arrangements of different kinds and in different moments. The transitions to democracy themselves were described as “elite pacts”. O’Donnell and Schmitter (1986, p.36) defined these as the:

explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or better to redefine) rules governing the exercise of power on the basis of mutual guarantees for the “vital interests” of those entering into it.

However, such pacts did not reduce violence, despite the odd exception like the National Front Pact in Colombia. It is true that forms of the most publicly visible violences changed. From elite-backed state and military directed assassination, torture, and “disappearance” of insurgents, democratising oppositions, and social activists in the 1980s-1990s, there was a shift to (apparently) self-reproducing violence amongst the poorest, which some called “new violences” (Briceño Leon and Zubillaga, 2002). However, focusing on *forms* of violence places responsibility on the victims and perpetrators rather than on contextual power configurations and their impacts on the violences that followed “transitions to democracy” and economic liberalisation.

Despite considerable investment in judicial and security-sector reform from international agencies in the transitional decade and beyond, progress has been weak. The incentives to accept “third party” adjudication cannot be induced from the “outside”, it seems. In its 2017 *World Development Report on Governance and the Law*, the World Bank (2017, p.112) acknowledged that achieving even a minimum bargain around the state monopoly of violence is a complex and ongoing task which remains unfulfilled in many of the contexts where it works:

Monopoly of violence is an ideal that few states attain in all places at all times. It is the outcome of complex historical processes that unfold over decades, if not centuries. The elite bargains that give rise to this monopoly are contested, renegotiated, and reasserted every day, everywhere. The capacity – the stock of material and technological and human resources available to the state – to enforce these bargains and deter groups tempted to defect or renege on them is uneven and discontinuous over time and space.

This notion of “uneven and discontinuous” capacity to make and enforce elite bargains is one proposition about what is happening in terms of the failure of the monopoly of violence, even within the narrow horizon of a “Limited Access Order”. Ruzza and Geisler (2016) suggest that one of the biggest challenges today is that non-state armed actors are not only bringing violent confrontation and change to states, but also to the wider state system itself, and by diverse means. Non-state violence, they argue, can actually

mean a more effective – and for some more legitimate – management and control of violence than a state monopoly (ibid, p.2). It may well be that state orders are on the decline.

However, once it is conceded that support for either state violence or non-state violence implies that the violence practiced can be considered “legitimate” by virtue of social acceptance, our gaze is directed away from violence itself. Social acceptance of actors who deliver order at any cost is a phenomenon in Latin America (Pearce, 2016). However, belief in the “right” of such state or non-state actors to use violence requires contextual investigation into the meaning of “right” in contexts of chronic violence and into the difference between acceptance and consent. Using acceptance as a measure of legitimacy ignores not only the question of “legality”, but also questions of why, where, and against whom violence is used. Duncan (2014) prefers to call the social orders constructed in peripheral spaces by criminal actors “oligopolies of coercion”. Desmond Arias and others speak of “criminal governance”, drawing attention to the way in which collaborations between state officials and armed actors produce systems of security and order as well as violence and disorder (Arias, 2017, p.6). These ideas help problematise “acceptance”. Deeper understanding of these processes, however, needs to bring the wealthy and powerful, not just criminal actors, back into the picture. We must ask why they are not incentivised to promote a law-based monopoly of violence and rather prefer (it seems) to co-exist with these parallel non-state coercive oligopolies and cede governance in certain areas to criminals.

If neither legal rules nor monopolisation are on the horizon in Latin America, “legitimation” becomes even more distant and problematic. Weber’s notion of state “legitimacy of violence” is thin. It refers to “belief” in the rightfulness of the use of violence by the state, as part of Weber’s search for a non-normative approach to its meaning (Pearce, 2017). It has led to precisely the problem that acceptance must mean belief in rightfulness, which in turn must mean legitimacy. This has also led to a construction of the “legitimate” violence of the “state” as somehow different to other violences, as a “good” and “necessary” violence against the “bad” violence of “society” (Schinkel, 2010). The yearning for safety from violence and criminality has sometimes led to calls for more state violence, in whatever form. The passive acceptance and/or active involvement in denying the rights of others in the name of safety and security is what I call “authoritarian citizenship” (Pearce, 2016). Social acceptance of a “quick fix” to problems of violence and crime, although also violent and outside the law, is not the same as “legitimacy”. I agree with Arendt that legitimacy like power must involve a measure of consent (Arendt, 1960). Consent is actively and freely constructed through non-coerced communication between subjects.

Belief in the institutions of the state, charged with maintaining “order”, remains very low in Latin America. Populations pick up on the fact that those in power do not see the state as representing the shared interests of society but rather as guaranteeing the freedom to accumulate wealth for those with advantages in the marketplace and property ownership. The 2017 LatinoBarómetro poll shows that on average political parties are the least trusted public institutions in Latin America (after the church, armed forces,

police, electoral institutions, judiciary, government, and congress). The church and the armed forces are top with 65 and 46 per cent respectively, while political parties are on 15 per cent and congress on 22 per cent (LatinoBarómetro, 2017, p.21). In 2017, Brazil had dropped to seven per cent confidence in its parties, with Mexico at nine per cent. Only Uruguay had the confidence of 25 per cent of the population. In this poll, the pollsters also explored the reasons for this lack of confidence, finding that 75 per cent of Latin Americans believe that government is carried out for the benefit of a few powerful groups. Declining trust in the institutions of politics and the state is one outcome of elite disinterest in building institutions that promote and protect shared and public goals. This disinterest also reflects elite selectivity over which violences matter.

### **Which Violences Matter for Elites?**

The notion that Latin America may not be on a Weberian journey to legitimate violence monopolisation by the state has begun to be explored (Centeno, 2002; Pearce, 2010; Soifer, 2015; Morcillo Laiz and Weisz, 2016), although alternative conceptualisations remain contested. Part of the problem lies in the understanding of “violence”. A great deal of the literature is concerned with violent group challenges to the state through organised violence. This is the violence that North et al are concerned with in their distinction between Limited and Open Access Orders: “the use of violence and threats of violence by groups” (North et al, 2009, p.14). However, our concern is with violence as a phenomenon (Pearce, 2017) rather than a prior selection of the violences which “matter”. It is true that Weber was also concerned with precisely how the state builds its monopoly and controls violent challenges to it. He was writing in the wake of interstate war and an intrastate uprising in post-war Germany. He did not believe that this monopoly would do away with all violences (Anter, 2014). However, nor did he worry about these “other” violences which did not challenge the political order as such.

However, “other” violences can reproduce across all socialisation spaces, from the intimate to the street, from the school to the prison, and even in the construction of the nation state itself (Pearce, 2007). Latin America illustrates how violence in one socialisation space potentially impacts on others. The notion of a “continuum of violence” (Scheper Hughes and Bourgeois, 2004) attracts interest but remains undeveloped. However, the possibility of intergenerational cycles of violence or violences which are chronic and reproduce through time and space is becoming clearer (Pearce, 2007; Adams, 2014). At the same time, the state itself acts violently and in ways that empty the adjective “legitimate” of all meaning when describing its use of violence. A relatively recent example is the case of the 43 students from Ayotzinapa in Mexico who disappeared in 2014 and whose bodies have yet to be recovered, even though there is much evidence to suggest that they were victims of the state police and army (Hernández, 2016). These “other” violences do not appear to matter to oligarchic elites.

A dichotomy between the Open Access and Limited Access Orders might work with respect to forms of centralised management against organised group violence. However, it does not account for the diffusion and reproduction of multiple forms of “other” violences, even when oligarchic elites are cooperating to secure rents and



prevent violent challenges from within and outside the dominant coalition. It is often argued that these “other” violences are “social” rather than “political”. However, the Latin American examples suggest that the nature of the political context might have something to do with the violences outside it, with the weakness of the rule of law being but one example. Here oligarchic elites enter the picture again. For instance, histories of elite recourse to extrajudicial violences when threatened are likely to have left a legacy on the meanings attached to security and violence in societal and political spheres.

Violence to defend order has been justified by the most powerful in the land. Organised criminals use violence to contest and control trafficking routes and territories. Why would poor young men – not all of whom will be part of organised crime, though they might collaborate with it – not come to see their own violences as equally justified? In Latin America, elites select the violences that matter. Faced with insurgent challenges, they have accepted and sometimes actively participated in state violence. Significant numbers of Latin America’s wealthy have relied on private guards, gunmen (*pistoleros*), and sometimes paramilitary forces and death squads to protect their lands and property from cattle thieves, peasant organisations, and insurgents. In Guatemala, landowners used – and in some cases piloted – the planes which bombed Ixil communities (Rodríguez Pellecer, 2013). More evidence of elite complicity in the violences of the Colombian civil war is emerging through the peace process (Dejusticia, 2018). The most modern, urban variant is the rise of the private security company. While these are commercial companies supposedly subject to the law, most countries in fact have no laws for private security providers or have only ineffective mechanisms to enforce such laws (Dammert, 2008, p.33). Retired army and police officers often make up a considerable part of this lucrative sector, which grew some 8 per cent between 2005 and 2008 (*ibid*, p.29) and continues to grow despite its frequent association with corruption and abuse. There are over 16,000 private military and security companies (PMSC) in Latin America, employing an estimated 2.4 million people (Kinosian and Bosworth, 2018, p.3). Private security guards outnumber police four to one in Brazil and five to one in Guatemala (*ibid*).

The everyday violences of the contemporary era do not touch oligarchic elites in the same way that they do poorer citizens. Not only can they choose to live in expensive separated/gated communities, they are also prepared to pay for private security in a way that they are not for public security. Further, their interest is in their own protection, not in what kind of violence is used to achieve that protection. Interviews carried out in 2014 and 2015 with economic elites in Medellín, Colombia, and Monterrey, Mexico, suggest that they take violence more seriously when it touches them personally, as with the threat or reality of kidnappings by drug traffickers, which make moving between urban residences and weekend farms impossible, for instance. In Monterrey, when the violence rose around 2010 – having previously been known for its low level of homicides – and began to touch the lives of the economic elites, for a time they invested their own money in a new local police force, the *Fuerza Civil*. In Medellín, with its historically high levels of violence, the decision of business elites to take the city’s security seriously came only after they too had begun to experience its impact through kidnapping and other threats; this was arguably key to the new management of homicides in the city once Sergio

Fajardo became mayor in 2004.<sup>15</sup> There are important contingent moments when elites begin to act on the wider environment of violences. However, it is the contingency of these moments that matters, as well as their character and durability. These contingent moments highlight the norm, which is that public and private security provision in Latin America has generated its own violences and abuse, with little or no accountability to the rule of law.

## **Conceptualising Elite Power and the Violence-Reproducing State in Latin America**

Is the very nature of the State in many parts of Latin America changing as a result of the apparent “preference” of oligarchic elites for a weak rule of law and private security at a time when criminal actors are seeking new points of leverage in the political system? Of course, Míguez, Misse, and Isla (2014) are right to question our categories of criminality, illegality, and legality. They even suggest (*ibid*, pp.26-27) that the difference lies only in the differential recourse to violence itself:

The only important difference between legal and illegal/criminal enterprises, when the two are not the same thing, is the fact that the latter have to deal with their illegality on a regular basis. This is not a small difference, and it demands illegal forms of protection. By the same token, while illegal enterprises can for the same reason resort to violence, this is avoided by legal enterprises that wish to retain their legality. In any case, economic rationality and complementary legal resources make the economic action of legal and illegal/criminal enterprises very similar. What often makes this hard to understand is the moral use of the category “crime”.

This analysis strengthens the argument that “legal” oligarchic elites enjoy sufficient advantage in defence of property rights through commercial law to preclude the need to invest in effective and accessible criminal and civil law, which may prejudice their wider interests. The fragmented security state offers enough regulation for oligarchic elites to protect economic interests, whereas personal ones are protected through private security. Political elites gain from the transactional deals which are facilitated by an application of accountability that is selective at best. What sort of state order emerges as a result? A number of interesting attempts have been made to conceptualise the particularities of contemporary statehood in Latin America. They suggest that what is at stake is a deeper transformation of the nature of the state itself in the region.

The big frameworks on offer have to be explored in particular contexts, and every country in Latin America has its own distinct history. Some broad threads have been shared over the last half century by clusters of countries, but by no means all. These range from experiences of civil war, insurgent and counterinsurgent violence, and formal and informal peace agreements (Guatemala, El Salvador, Nicaragua, Colombia, Peru); experiences of transition from military authoritarian to civilian governments (Argentina,

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<sup>15</sup> See Moncada (2016) for an in-depth study of business, crime, and violence in Medellín and other Latin American cities.

Paraguay, Uruguay, Brazil, and Chile); varied locations in relationship to drug production, processing, and organised criminal enterprises, as well as to corridors and routes into US and European markets (Peru, Bolivia, Colombia, Mexico in the former category, and the Northern Triangle, Venezuela, and Brazil in the latter); and experiences of redistributionist left governments in the 2000s (Venezuela, Ecuador, Bolivia, Brazil, Argentina, Chile, El Salvador, and Nicaragua). Most countries have relatively high to extremely high levels of urban violence, growing local drugs markets, and high levels of political corruption, irrespective of governmental regime. Transparency International (2017, p.6) reported that three quarters of their respondents in Brazil, Peru, Chile, and Venezuela said that corruption was on the rise over the previous twelve months, while nearly a third of public-service users in their survey (equivalent to 90 million people) had paid a bribe to access such services (ibid). One in five people who had come into contact with public hospitals and public schools over the previous twelve months had had to pay a bribe.

It is unlikely that any one conceptual framework could embrace all of the dynamics in the region, including the varied legacies of large-scale historical processes on diverse rural and urban contexts within countries. However, certain themes are beginning to emerge from efforts to build such frameworks.

One of these is the notion that states have been “captured”. This concept was first applied to transition economies in Russian and Eastern Europe (Hellman et al, 2000) and later to Mexico (World Bank, 2007). The latter study on Mexico highlighted how political and economic transition enabled further concentration of power (ibid, p.viii):

Although the market-oriented reforms of the 1990s, such as trade liberalization, have brought many benefits to the Mexican economy, in some specific instances, these same reforms have yielded fewer results in terms of making Mexico more competitive. The most notable example is the privatization of the telecom sector, which merely replaced a public monopoly with a private monopoly. Market concentration, at least in some sectors, and the high level of wealth concentration work hand in hand to make Mexico’s political playing field far from level. Economic power translates into political influence, and weakens the relative weight of an average voter preference in the political process.

The authors of a study of corporate power in Peru prefer to talk of “political capture”, but they emphasise that the assumption that “the survival of democracy depended on constraining power in the hands of elites keeping the masses out of political life” (Crabtree and Durand, 2017, p.25) has given way to attempts to understand the nature of the corrupt use of access to state power. Left parties came to power in Latin America in the 2000s as people sought to challenge the domination of elites and force them to pay taxes. But their performance has been uneven, subject to accusations of corruption, and they have often been forced (or chosen) to negotiate pragmatically with oligarchic elites. Bull points out, for instance, that public wealth has been used by President Ortega in Nicaragua to guarantee private sector support and to maintain an amicable relationship between an ostensibly left government and its business opponents (Bull,

2014, p.122). This represents, perhaps, an unusual form of elite pact. A social network study of elite power in El Salvador (Waxenecker, 2017, p.63) also emphasises that between 1991 and 2001, in the transition from war to peace following the Peace Accords:

The illicit provision of benefits between political and economic elites, the inappropriate management of central bank funds and state goods undergoing privatisation, the legislative predominance of elites in the approval of structural adjustment legislation, and the exclusivity and secretiveness of government decision-making are some of the mechanisms through which power is realised during this economic transition. These are mechanisms inherent to state capture.

The author goes on to show how this power, entrenched in family relationships as well as articulations between business groups and political parties, has left a structured hegemonic force able to influence public contracts for services and works, economic and financial decisions, and power in the executive and the legislature, even after a left government came to power in 2009. El Salvador is one of the most violent countries in Latin America.

There is evidence in a number of countries, therefore, of structured oligarchic elite power over the state. Improvements in rule of law are impeded by the fact that the system works through secretive mechanisms, private deals over public contracts, and political funding as a means of ensuring access to public power. This does not necessarily imply homogeneity and cohesion amongst oligarchic elites. Benedict Bull (2014) has explored in depth the nature of Central American elites and business groups. She prefers the concept of “elite networks” and emphasises the way in which they mobilise four sets of resources: money, means of force, information, and ideas and ideologies (including religion). She highlights that elites are still prepared to use violence to enforce pacts and eliminate opposition in the region. Guatemala is, she argues, the country that stands out for the highest incidence of intra-elite violence, due in part to the ongoing role of retired military officers in elite networks (Bull, 2014, p.122).

In their study of drug trafficking, corruption, and states, Garay Salamanca and Salcedo Albarán (2015) also bring coercion and violence into the study of state capture, arguing that this concept does not sufficiently explain processes observed in Mexico, Colombia, and Guatemala. The systemic corruption conveyed by “state capture”, where external agents capture officials or formal institutions to pursue economic interests, does not cover the cases where illegal armed groups, drug traffickers, and coercion rather than bribery (“violent corruption”) have penetrated the state. The authors’ notion of co-opted state reconfiguration aims to conceptualise the contexts where lawful and unlawful groups participate; where the benefits are not strictly economic but rather judicial, political, and social; and where coercive methods and/or political alliances complement or displace bribery in different branches of public power and at different levels of public administration (ibid, p.4). The authors also use social network analysis to show how participant agents establish those durable relationships which enable systematic corruption. It is the lasting intersection between the state and organised criminal actors

that then reconfigures the state from within.<sup>16</sup> The precise relationship between organised crime and oligarchic elites requires further empirical and theoretical exploration, however. The future of democratic change or violent elite control may well emerge from the evolution of this relationship. In the meantime, Latin America's crisis of violence ebbs, flows, and mutates, with extremely unequal consequences for citizens living extremely unequal lives.

## Conclusion

Garay Salamanca and Salcedo Albarán (2015) argue that a deep reconfiguration of the state is underway. Others observe that more ad hoc forms of intervention in the political order are taking place, aimed both at guaranteeing immunity and at shaping a social order favourable to particular territorial and other interests (Duncan, 2014, p.19). Desmond Arias (2017) explores four types of micro-level political orders that express distinct relationships between state and non-state armed and criminal groups in Latin America: criminal disorder, divided governance, collaborated governance, and tiered governance. Violence remains embedded in all of these logics and is, in turn, reproduced by them. Oligarchic elites and criminal actors appear to accept – if not share – an interest in maintaining the apparently “stable instability” emerging from these varied logics of the fragmented security state. Its most painful impacts fall on the vulnerable and voiceless.

Elite oligarchs, like criminal actors, need a “property defence regime”. However, in the absence of an authoritarian or negotiated variant, they “work on” the fragmented one available. Privatised security and visible violences become mechanisms for addressing and resolving everyday threats. Oligarchic elites, benefitting more from commercial rules and regulations, gain access to the many economic opportunities available from non-regulated state contracts, labour exploitation, land dispossession, and mineral extraction. Criminal actors who neither expect credible protection from the state nor fear state action gain incentives to pressure both the state and their rivals through visible violence (Durán Martínez, 2015, p.1382). Violent protection itself becomes a commodity on sale from criminals, particularly in the poorest communities where neither public security nor private security is accessible or benign. Young men in poor communities are drawn into this violent accumulation through the gangs they form, through acting as informants and enforcers, or through other roles in organised crime. They also absorb the culture of a short life lived with high levels of violence, consumption, and excitement: the so-called “narcoculture”.

These logics might not describe detailed dynamics throughout Latin America, but they do provide clues to the contexts in which oligarchic elites contribute to the reproduction of violence, whether indirectly or directly. The search for responses begins not with the elites (though they should not be ignored), but rather with sensibilisation towards violence amongst non-elites, from the organised civil society sphere to heterogeneous

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<sup>16</sup> See the previously cited Insight Crime studies of Colombia, Honduras, and Guatemala for varied permutations of elite-criminal actor relationships (Gutiérrez, 2016; Stone, 2016; Dudley, 2016).



community spheres.<sup>17</sup> This sensibilisation would aim to overcome what is often seen as a juxtaposition between negative peace (the absence of violence) and positive peace (the presence of social justice). Galtung (1969) rightly pointed out that the absence of violence does not imply the presence of social justice. However, this has often led either to a justification of violence by those who take a position against the concentration of wealth and power or to neglect of the corrosive impacts of violence on the poorest. Violence comes to be seen as secondary to the struggle for social justice. This paper argues that this is a mistake. Failure to address violences and their mechanisms of reproduction through time and space prevents the kind of social and political participation that could bring about social justice and address corruption.

Sustained violence reduction is unlikely to come from elite “enlightenment” or even from elite “self-interest”, although these should be encouraged where possible. Elites should also be understood in their multiple subjectivities and objective relationships, and the contingent possibility of enhanced elite sensibility to violences should not be ruled out entirely. However, the impetus needs to come initially from within society, with a commitment to the de-sanctioning of violences, where violence is understood as a phenomenon (Pearce, 2017; forthcoming). Social action *on* violence, alongside action to build the conditions to live without violence (Pearce, 2017), may be the key to constructing a violence-reducing state. Indeed, Latin America is rich in victims’ movements, movements against feminicide, and defences of human rights; at their core, these are violence de-sanctioning forms of social action. However, these efforts are incompatible with the very notion of elite domination of state and society. Ultimately, violence reduction must be analysed alongside the enhancement of democratic participation and an economy for the common good (e.g. Tirole, 2017). The ongoing search for new economic frameworks, however, begs a further question: how can a shift in economic horizons be achieved when power is so concentrated in owners of capital? How can we achieve an impartially administered rule of law which recognises rights not privileges when oligarchic elites lack the historic incentives to build elite agreements? Until we find reasonable answers, millions will continue to live in violent spaces controlled by organised crime and protection/extortion economies. The search for a democratic and non-violent pathway to an “economics of the common good” undistorted by elite economic and political power should be one of the most urgent tasks of our time.

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<sup>17</sup> Sensibilisation refers to an increased recognition of the damage and trauma impacted by *all* violences, not just those that matter to the protection and promotion of particular interests or to certain understandings of masculinity, for instance.

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