

# From Transgression to Decriminalization: A Path to Promote Legitimacy, Inclusion, and Democracy in Latin America

**Marcelo Moriconi**  
**Iscte - Instituto Universitário de Lisboa**  
**Lisbon, Portugal**  
**[marcelo.moriconi@iscte-iul.pt](mailto:marcelo.moriconi@iscte-iul.pt)**

Despite the extensive literature developed and published in recent decades on the causes of crime in Latin America and its solutions, data show that crime is consolidating and growing in the region. This essay warns that one of the crucial errors in much of that literature is the confusion between means and ends. Crime, like democracy, is a means to an end, and rather than good or bad, means are either effective or ineffective. Researchers have shown that in many Latin American countries, legality, as a categorical imperative and model of life, has lost legitimacy, truthfulness, and effectiveness, and transgression has become an admired value. Growth in crime is closely related to this environment. Instead of debating the quality of democracies, this essay explains the importance of discussing the concept of worthwhile lives and reviewing the scope of legality in Latin America. We suggest that the premise of governing to include is crucially related to the need to redefine the scope of what is legal. And in that debate, the decriminalization of drugs is a central chapter.

**Keywords:** illegal markets, democracy and worthwhile life, perverse society, market-based social norms, decriminalization of drugs, inclusive governing

A pesar de la extensa literatura desarrollada y publicada en las últimas décadas sobre las causas del crimen en América Latina y sus soluciones, los datos muestran que el crimen se consolida y aumenta en la región. Este ensayo advierte que uno de los graves errores en gran parte de esa literatura es la confusión entre los medios y los fines. El crimen, como la democracia, es un medio para llegar a un fin, y más que buenos o malos, los medios son eficaces o ineficaces. Los investigadores han mostrado que en muchos países latinoamericanos, la legalidad, como imperativo categórico y modelo de vida, ha perdido legitimidad, veracidad y efectividad, y la transgresión se ha convertido en un valor admirado. El aumento del crimen está estrechamente relacionado con este entorno. En lugar de debatir sobre la calidad de las democracias, este ensayo explica la importancia de discutir el concepto de vidas dignas y revisar el alcance de la legalidad en América Latina. Sugerimos que la premisa de gobernar para incluir se relaciona crucialmente con la necesidad de redefinir el alcance de lo que es legal. Y en ese debate, la despenalización de las drogas es un capítulo central.

**Palabras clave:** mercados ilegales, democracia y vida digna, sociedad perversa, normas sociales basadas en el mercado, despenalización de las drogas, gobernanza inclusiva

## **Introduction: Confusion of Means and Ends**

In most crime studies on Latin America, the state appears as the virtuous bearer of a positive morality linked to the promotion of legality. In contrast, criminals are immoral promoters of chaos. Whatever is related to legality, in this literature, is legitimate in itself. It is an end. Therefore, when illegality abounds, it is theorized by negatively qualifying the enemy of crime, the state, as weak (Dewey 2011; Gootenberg 2018, Alda Mejías 2021), absent (Ocampo and Vargas 2009), dysfunctional (Whitehead 2003; Derwich 2021), or incomplete and mafia-like (Naím 2012).

In previous works (Moriconi 2021, 2018b; Moriconi and Peris 2022), I have criticized these narrative traditions and approaches for confusing means with ends. Several issues or concepts that should be understood as means to achieve the symbolic and material values leading to a good life have been turned into ends in themselves and reified. “With democracy, you eat, you are educated, you are healed,” exclaimed Raúl Alfonsín, Argentina’s first president in 1983 after the dictatorship. However, he had to leave office early because the nation had plenty of democracy, but little food, poor education, and dismal healthcare.

No one will stand up for democracy and the rule of law if they bring with them a life of precariousness, poverty, hunger, and exclusion. On the contrary, many wealthy people do not hesitate to leave their Western liberal democracies and move to cities in Qatar, the United Arab Emirates, or even China, if the commercial or taxation prospects are seductive. Autocracies..., home sweet home for some privileged Westerners.

It is the same with crime. Common sense may indicate that it is wrong for someone to steal, but no one would question a thief who steals a slave to set him free or a Jew who bribes a Nazi officer to let him escape from a concentration camp. Criminalization is also a means. As Panella and Thomas (2015) explain, illegality is a politicized category that says little about what criminal groups are doing and a lot about the values and goals of states and international institutions. Beware of abortion!

## **Political Unease**

The bad reputation of institutions is not related to their structure but to their results. A lack of effectiveness generates mistrust and negative stereotypes. Stereotypes are beliefs that people hold about social groups and fulfill different social roles (Ramos, Correia, and Alves 2014): they help individuals rationalize and react quickly to others and serve to justify and legitimize the power of some groups over others (Jost and Hunyady 2003).

Ramos and Moriconi (2018) showed how politicians are stereotyped in Latin America based on negative morality. When asked to name three labels they would use to define a politician, people opt for those of a moral nature and negative evaluation: corrupt, thieves, liars. This is quite logical and well-known. What is worrying is that the negative stereotyping of politicians not only delegitimizes the power, status, and leadership of these key actors in democracy but also directly affects the perception of justice and, indirectly, of affections, emotions, and moods. That is to say, formal politics generates indignation and feelings of social injustice.

The feeling of justice and fairness is crucial for well-being (Jost and Burgess 2000; Jost and Thompson 2000), the legitimization of a social order, and community sustainability. A just world is one in which people's behaviors, attributes, and achievements are predictable and have appropriate logical consequences according to social norms or prevailing ideology (Ramos, Correia, and Alves 2014; Crandall and Beasley 2001). Belief in a just world is functional to the assumption that one can influence the world in a predictable way to achieve particular ends, and it is summed up by the premise "people get what they deserve, and they deserve what they get" (Lerner 1980).

More importantly, belief in a just world and the related sense of fairness are directly linked to personal satisfaction, lower depression and higher self-esteem, better management and adaptation to stressful events, as well as higher and better social goals and ambitions (Fiske, Rosenblum, and Travis 2009). Conversely, when people have credible evidence that the world is not fair, they experience increased feelings of fear, stress, and vulnerability (Ramos, Correia, and Alves 2014). This, in the long run, has serious negative implications for well-being and social cohesion.

Latin American (corrupt) politics generates unrest and hatred. And what does crime generate?

When individuals' sense of justice is affected, resentment and hatred are generated, and, as Hannah Arendt (1969) explained, this is where violence easily emerges as the most effective method of resolving interpersonal conflicts: "Rage only erupts where there is reason to suspect that these conditions could be changed and are not changed. We only react with anger when our sense of justice is offended, and this reaction does not necessarily reflect a personal offense at all" (Arendt 1998; my translation).

A strategy to mitigate pain, outrage, scarcity, and frustration might be to promote *what is fair*. It is important to recognize the productive character of violence as a social motivator and generator of identities. The growth of lynchings in Latin America follows this pattern, aggravated by further evidence of judicial failure: only 2% of murders are solved in the region. Assault, revenge, or killing might not only generate comfort and

release feelings of injustice but could also be a “therapy” that costs little and is less condemned.

Analysts have not paid enough attention to the consequences of extrapolating market rationality to aspects of society. Michael Sandel (2000) describes this process as the transition from a market economy to a market society. The market economy is an effective way of organizing production and providing goods and services. However, the market society is a model of life in which there are very few things that money cannot buy and where market logic permeates almost all levels of life. If the differences that money makes are luxury and the size and comfort of a car, inequality may not matter much. But if purchasing power determines access to the essential keys that lead a good life, then the situation starts to get complicated. If the starting point for this process is the most unequal societies in the world, the problem worsens. Additionally, if, in further aggravation of the situation, illegal markets and crime emerge as effective means of gaining access to a better life (see for instance Moriconi 2013, 2018a; Moriconi and Peris 2022, 2019; Dewey and Thomas 2022; Bergman 2018, 2023), then legality is in intensive care. And in an induced coma.

The legitimization of the market has become an unquestioned trope of the contemporary social order. This axiomatization determines that, on the one hand, discursive traditions are regarded as intolerable when they warn about the impossibility of incorporating virtue and a morality of the good life into an order where the market—as an amoral agent—has become the guarantor of human interactions (Moriconi 2013). On the other, it generates a narrative conflict when it comes to determining what is a focus of unease and what is not.

The market economy is a very effective way of organizing productive activity, but extrapolating its values to social spheres can distort the meaning of social practices (Sandel 2000) and naturalize practices that, while logical in that ideological context, are subsequently questioned for generating unrest.

Let’s theorize high in the empyrean: the soya/soybean boom. The increase in the international price of soya generated economic growth in many South American countries. Success! The value of the oleaginous plant promoted policies to encourage its production, reforms of agroexport models, and land concentration. Soya production requires large tracts of land and little labor, as it is basically done with machinery. While soya generated wealth and increased political influence in the hands of a few, it generated exclusion and unemployment for a large number of traditional agricultural collectives in rural areas (see for instance Morínigo 2009, Garat 2016, and Correia 2019 for the Paraguayan case). In many of these areas, the cultivation of cannabis or coca became the best employment. However, the labor option should not be understood from a purely

economic point of view, as is usual in scientific studies. Work goes beyond earning money and is also related to tradition, prudence, and know-how. With Carlos Peris, we have shown that farmers who grow marijuana not only want to earn a salary, but they also want to do what they know how to do because they know how to do it well (Moriconi and Peris 2022), and that is traditional agriculture. What the (legal) market, the state, and soya took from them, the (illegal) market, narcos, and drugs gave back to them.

Colombia, with its false positives, is another bad example of using the market and its monetary logic in the terrorist struggle. Colombia's Special Jurisdiction for Peace (JEP) recently reported that between 2002 and 2008, the army killed 6,402 innocent people to pass them off as guerrillas killed in combat, meet quotas, and collect prizes and rewards.<sup>1</sup> Tell me how prestige and social recognition are achieved, and I will tell you what atrocities will be committed. With bad guiding ideas and worse values, democracy kills twice as much as a dictatorship like that of Pinochet.

Logically, if prestige is marked by the logic of the market, and recognition is understood from a monetary logic, it is foreseeable that security forces throughout the region, whose salaries are far from the parameters of social success, have become key players in illegal markets by regulating or protecting their interactions, and this is a mere logical and predictable outcome. Each society can give money whatever role it wants. But it is naïve to expect that, in this ideological framework, a poorly financed group will effectively combat organized criminal armies with more resources and greater corrupt power. The Zetas will not be the exception, they will be the norm.

## **Perverse Society**

The philosopher Dany-Robert Dufour (2009) warns that we live in a perverse society whose central social mandate is the idea of enjoyment. All citizens can understand this principle and take it as far as they wish. Enjoyment can include sex, drugs, luxury, transgression, and adrenaline. Narco culture is a clear example. While the state of enjoyment has been constant throughout history, the difference today is that it is not shameful to show it publicly, whereas long ago its exhibition was considered obscene. The obscenity of enjoyment is now disseminated and praised in the media, advertising, art, and social networks, although most people find this joy as spectators and not as protagonists. Yet participation in this obscenity is what is normalized as a symbol of social success, a life worth living.

In many cases, celebrities acknowledge that their extravagant and lustful lifestyles include drugs, prostitution, and various goods obtained through illegal markets. On the other

---

<sup>1</sup> See <https://www.bbc.com/mundo/noticias-america-latina-56119174>

hand, some public servants (from judges and politicians to commissioners) are seen to flaunt levels of spending and investment that are not compatible with their incomes.

Social cohesion and its sustainability are determined by the efficiency of the standards and values by which citizens are educated to achieve the ends that define a life worth living. What are the indicators of social recognition and prestige, and what are the means to achieve them? If society educates you for something that it then denies you, transgression is an obligation.

It is not surprising to find young people in the field arguing: “I prefer to live thirty-five years as a narco and not eighty-five years like my (working) father.” There are lives worth living, and they are not the ones that moralistic studies on the culture of legality want to impose. The speech about “My daughter, the teacher, my son, the doctor” is no longer admired; it is humorous, and both of them, son and daughter, are on strike.

Therefore, a perverse dislocation emerges between what politicians state as a good life for people and the real life they practice. Public health and education, equality before the law, traditional employment (which in Latin America is mostly informal and with few constitutional rights), and even leisure offers are issues that the leaders who enunciate them reject for their lives. The good life enunciated by them is only worth living for others.

## **Inequality, Separate Lives**

Stereotypes about social prestige determine how we interact with others. We see through the eyes of common sense and are seduced by what society naturalizes as successful. Inequality is much more than mere economics; it is discourse, it is aesthetics.

Inequality is still accused of being the cause of violence in Latin America (Schargrodsy and Freira 2021). Based in many cases on a fervent criminalization of poverty, it is argued that inequality generates incentives to become a criminal: “If I were poor, I wouldn’t be a bricklayer, I’d be a thief.” The narrative and symbolic problem of inequality is a focus of conflict that goes beyond simple economic logic. It is not the fact, but the discursive basis from which we understand it.

We can imagine a society that fervently believes in reincarnation. According to its religious logic, poverty is understood as a mere stage of an eternal life in which, through successive reincarnations, the self passes through different social strata. Those who hold this belief will have ideological arguments for tolerating their current hardships, because in the next life they will have better luck. The privileged will have to be careful, because it will be their turn to suffer in the future. In such a context, it may be sufficient to seek a means of legitimizing this ideological narrative (without necessarily promoting policies

to combat poverty) in order to prevent violent behavior. Such discursive legitimation would operate in the ideological dimension of power (Lukes 1974), where power influences people's desires and thoughts, even making them want things that are opposed to their own interests.

Management, based on hopeful and empathetic narrative stories, is very important. A recent study from the Inter-American Development Bank (Busso and Messina 2020) exemplifies the materialization and management of inequality with data from education. According to the study, in OECD (Organization for Economic Co-operation and Development) countries, 10% of young people from wealthy families go to private schools, while in Latin America, it is more than 40%. In the Andean countries, the figures are higher: in Colombia 60%, in Peru more than 50%, in Chile slightly less.

This generates a phenomenon of segregation, understood as the improbability that rich students have peers from lower social classes and vice versa. In the OECD, 30% of children suffer from this segregation, in Latin America, more than 60%. Again, the situation is extreme in the Andean countries: in Chile and Peru, there is no interaction between rich and poor children at all. The social classes in these countries are divided, they do not mix.

The perverse society comes into play. The poor can go unnoticed by the rich. In their daily lives, they are not even aware of their existence. But, as political scientist Andrés Malamud (2022) has warned, for the poor, the reality is different: they see those others who are very different from them in the media, in places of power, on social networks, as influencers. The result: resentment and humiliation.

In the 2020 plebiscite for the reform of the constitution in Chile, the three richest communes in Santiago voted No—the opposite to the rest of the country. It is not just a question of exclusions, but of different, in many cases opposing and incompatible perspectives on the country. And, of course, of totally different spatial and geographical correspondences: neighborhoods for the rich, neighborhoods for the poor. The commodification of life has led to elites having access to lives that are totally different and separate from those of the rest of the population: they live, shop, play, enjoy their leisure time in different places, and, logically, their children go to different schools. This breaks the foundations of democracy. Democracy does not need full equality, as Sandel (2000) explains, but it does need individuals who live together in a similar space, who meet in the public space and, in this way, generate spaces for discussion and management of differences. Democratic life requires processes of empathy with others that provide arguments for the dilemma of how we want to live together.

## **Collapse of Legality as a Categorical Imperative**

Perversion and criminality are found in all social strata, but different classes have opportunities to engage in different types of crime. The lower classes, for example, are unlikely to have the opportunity to engage in white-collar crime (corruption) and effectively bribe the judiciary to achieve impunity.

Therefore, any appeal to the culture of legality, without a realistic diagnosis of contemporary society, is mere hypocrisy. Legality has collapsed as a categorical imperative. It has ceased to be an effective means to achieve a dignified life; it has lost credibility and legitimacy; it has become an obstacle to social prestige and even to governmental efficiency.

In this ecosystem, it is informal institutions (some illegal, some immoral) that provide people with new models of life which, in the perverse society, are publicly presented as effective in accessing a life worth living. When faced with bureaucratic red tape, it is better to seek out an influential contact than to follow the rules. When faced with a police arrest, prepare a bribe. The average wage is no longer a source of wealth and social advancement. Work will be mostly undeclared, and pulling strings (through *enchufes*) will be much more effective than merit. The institutionalized existence of impunity is publicly acknowledged, but it is not for everyone.

At the political level, illegal markets play an important economic and social role (Bergman 2018, 2023; Thoumi 2003; Moriconi 2013). These markets not only generate abundant economic resources for political purposes, but they also improve social coexistence by distributing resources between sectors in conflict, avoiding protests, generating employment, generating consumption and access to goods and services, and facilitating social and labor mobility for precarious social groups (Dewey 2015, 2020; Schultze-Kraft 2018).

It is important to bear in mind that the morality, satisfactions, and expectations generated through illegal markets are the same as those of legal markets (Dewey and Thomas 2022; Moriconi and Peris 2022). It does not matter that the clothes are counterfeit, what matters is the personal satisfaction generated by having the logo of a prestigious brand emblazoned on them. Self-esteem, recognition, access..., these are the issues.

In fact, until recently, it was believed that the world of organized crime was unrelated to the rest of economic activity and referred to a parallel world. But today, legality and illegality merge: the criminal and financial worlds are intimately intertwined. Illegal economic activity is integrated into the legal sphere and is a key part of political finance and governance.



Schultze-Kraft (2018) creates the concept of criminal-legal orders, characterized by the blurring of the boundaries between legality and criminality and where both legal rationality and illegal practices serve, alternatively, as the foundation of systems of social action, to such an extent that they can become indistinguishable from each other. The dichotomy is broken between legality-legitimacy, understood as order, and illegality-illegitimacy, seen as disorder and uncertainty (Dewey 2015; see also Moriconi and Peris 2019 for a practical example).

In these hybrid social orders (Dewey, Míguez, and Saín 2017), the involvement of state agents in the reproduction of crime does not necessarily imply illegal activities. For a case to spend a long time in a drawer and become time-barred is negligence, not a crime. These actors can enable the spread of crime by allocating resources and applying the law in a discretionary and selective manner, freeing up areas.

If the evident involvement of state actors as regulators and protectors of illegal markets is a shot in the foot of the plausibility of the per-legality narrative, the perversity of international finance is a plea for euthanasia.

Many of the world's most profitable activities are crimes: trafficking in arms, drugs, people. About 20% of world trade comes from criminal activities, which has generated a permanent interest from financial groups and banks to capture this volume of business. Crime and finance, integrated.

As if this were not enough, as Dufour (2013) warns, official economic activity has also provided a significant amount of suspicious capital from immoral or illegal activities that are very common in the business world: alliances and market alliance, abuse of power, dumping and forced sales, speculation, absorption and dismemberment of competitors, false balance sheets, accounting and transfer pricing manipulations through offshore subsidiaries and shell companies set up in tax havens, diversion of public credits and rigged markets, corruption and hidden commissions, illicit enrichment and misappropriation of public funds, abuse of social assets, surveillance and espionage, blackmail and whistleblowing, violation of regulations on labor law and freedom of association, health and safety, social security contributions, pollution and the environment. In short, there is no great difference between the predatory behavior of criminal mafias and that of financial groups. Legality collapses as a categorical imperative.

Hence, one of the clearest examples of the scourge: tax amnesties and legal money laundering, which are routinely implemented. There is a crime (which is previously recognized), but instead of initiating investigations and enforcing the law, governments

follow the premise that, due to lack of resources or will, it is impossible to catch the evaders; therefore, they create an amnesty to avoid seeking legal punishment. Crime is legalized; transgression is legitimized.

To transgress or to transgress, that is the question.

## **Governing to Include and Protect, Decriminalizing to Progress**

A serious shortcoming is the failure to address, as part of crime-prevention narratives, the issue of how society understands and measures social prestige and inclusion and the effective means to achieve them. What has usually been simplified to a mere calculus of economic rationality is far more complex. Ideas and perceptions about the means to prosper and acquire a dignified life play a crucial role. Legality (like democracy) is not legitimate in itself, but in its consequences.

What dignified life do we want to promote and what is the role of legality in it?

Given the arbitrariness of criminalization, as tax amnesty programs have shown, it is necessary to begin to discuss openly the scope of the concept of “illegal” by incorporating into that discussion the possibility (or the need) to legalize illegalities (practices or markets) that have already been socially legitimized, due to the goods and/or services they provide. Although, as discussed above, it is a mistake to extrapolate the logic of the market to all social practices, there are, paradoxically, practices in which it would be effective and necessary to extrapolate market logic but which, by political decision, are kept out of this discussion. The same market logic used to promote exclusionary productive models, such as soya, can be used to legalize, for example, drug production and commercialization (the product in which South America has indisputable world leadership), to launder and tax the business, to legitimize its jobs.

This would not only generate resources and control over production and its quality, but it would also limit the economic resources that “the now criminal groups” possess. And, in the ideological framework of market society, these economic resources are, to a large extent, what has transformed the state's fight against those “criminal groups” into a constant defeat.

It is interesting to note that even ultra-liberal and libertarian governments, such as that of Javier Milei in Argentina, which have discussed the possibility of legalizing the organ-trafficking market or leaving it up to citizens to organize the security of the streets where they live, do not talk about the possibility/necessity of legalizing the drug market. Is it a public health issue? Or is it that, with the drug market liberalized, the resources used in

the shadows to bribe public officials in all branches of government and to finance political campaigns across the continent would be radically limited?

Drugs are products with a fantastic market, mainly in the Central Western countries, and intrinsically related to the mandate of the good life. While drugs are kept illegal, some drugs are allowed to be presented as a necessary factor in the cultural displays of the new generations (music, for example), as a necessary factor in the revelry, fun, and enjoyment.

For the healthier ones, the market also has cannabis and its benefits. While that little plant has demonstrated health benefits, medicine has found no such benefits whatsoever in tobacco, a drug that is still freely available and legalized on the market. Could it be that tobacco fields do not belong to South America? What would have happened if the biggest tobacco companies were Peruvian or Bolivian?

Latin America has its Apple, its Huawei, its Tesla, but its wealth does not come from technology, and it is selling per gram.

Each society stigmatizes crime distinctly. Cocaine was legally used as an anesthetic in dental surgeries a century ago. Mate was banned in Buenos Aires in the early seventeenth century; drinking coffee was a crime in Russia, using tobacco in Persia. The fight against drug trafficking is relatively new, starting around 1920, and was justified on two grounds: 1) its harmfulness to public health, and 2) the dangers to public order. This essay has demonstrated the problems that the perverse society and the stereotype of the politician cause for public health and collective psychology. With this situation and the power of the narco, social instability is guaranteed, and real democracy is a chimera. Meanwhile, sodas continue to produce obese children.

With a simple move in the narrative of legality, it would be possible to, automatically, move from the scourge of criminal governance to the challenge of multisectoral governance.

For law and order, illegal markets need to be effectively regulated. The Latin American problem is not the market, but its characteristics and its sectorial struggles for keeping the business. Drug trafficking and consumption is abundant throughout the world, but the violence is, to a large extent, Latin American. The violence is not generated by the product but by the political inability (or unwillingness) to regulate the market. The problem in the region is not the existence of these markets, which exist all over the world, but the negative consequences they produce, which are not present in other regions: violence and social instability. The challenge is to maximize the positive externalities (jobs, hope, resources, access) and minimize or even eliminate the negative ones (internal conflicts, violence).

Ah, but health! The successful case of decriminalization of all drugs in Portugal at the beginning of the twenty-first century may help (Kundrod 2015; Hughes and Stevens 2010; Moury and Escada 2023; Greenwald 2009). The success was so resounding that, in 2023, Portugal even decriminalized the use of synthetic drugs.<sup>2</sup> Measures that achieved positive outcomes were: control of consumption, syringe exchange programs, psychological assistance and support for addicts, substitution of heroin with methadone, social understanding that a drug addict is a sick person and not a criminal, drug education, a massive job creation program for addicts, benefits for those who gave jobs to recovered addicts and microcredits for former addicts to become entrepreneurs. Of course, in Latin America, drug education should include the premise that narcoculture and recreational drug use should not be part of lives worth living.

Ah, but the resources! The resources used were those previously dedicated to the war on drugs. If, on top of that, in Latin America, it is possible to tax the commercialization of drugs, the resources available could be even greater.

But of course, more difficult than fighting crime is dismantling the dictatorship of common sense. That is the biggest challenge.

## Acknowledgments

The author would like to thank the reviewers for their interesting input and *MARLAS'* copyeditor, María Roof, for her wonderful work and suggestions to improve the manuscript.

A preliminary version of this essay in Spanish (“El colapso de la legalidad y la naturalización de la transgresión”) was presented at the III Foro de Tráficos Ilícitos y Redes Criminales, organized in December 2020 by Elcano Institute and Friedrich Naumann Stiftung, and is included in *Los actores implicados en la gobernanza criminal en el área andina*. The author also thanks the participants in the event and, especially, Sonia Alda and Andrés Malamud, for the comments and suggestions made on previous versions. However, the author assumes total responsibility for the content of this article.

## Funding

This publication was supported with funding from the strategic program of the Centro de Estudos Internacionais, ISCTE – Instituto Universitário de Lisboa (reference UIDB/03122/2020).

---

<sup>2</sup> See <https://www.dn.pt/sociedade/lei-que-descriminaliza-as-drogas-sinteticas-entra-hoje-em-vigor-17097448.html/>

**Marcelo Moriconi** (PhD, University of Salamanca, 2009) is a researcher at the Centre for International Studies (CEI) of the ISCTE – Instituto Universitário de Lisboa. He has researched and taught at universities across Latin America and Europe. He is an elected member of the Executive Committee of the Latin American Political Science Association (ALACIP) and a member of the Scientific Commission of the CEI-ISCTE. His research interests include deviant behaviors, illegal markets, corruption, insecurity, organized crime, sports integrity, and Latin American politics and society. He has published two books, over ten book chapters, and more than forty articles in peer-reviewed, top-tier journals, such as *Deviant Behavior*, *Public Integrity*, *Crime Law and Social Change*, *Trends in Organized Crime*, and *Third World Quarterly*.

---

## Works Cited

Alda Mejías, Sonia, ed.

2021 *Los actores implicados en la gobernanza criminal en América Latina*. Madrid: Real Instituto Elcano and Friedrich Naumann Stiftung.

Arendt, Hannah

1969 “A Special Supplement: Reflections on Violence.” *The New York Review of Books*, 27 Feb. <http://www.nybooks.com/articles/1969/02/27/a-special-supplement-reflections-on-violence/>

1998 *Crisis de la República*. Madrid: Taurus.

Bergman, Marcelo

2018 *More Money, More Crime: Prosperity and Rising Crime in Latin America*. Oxford, UK: Oxford University Press.

2023 *El negocio del crimen: El crecimiento del delito, los mercados ilegales y la violencia en América Latina*. Buenos Aires: Fondo de Cultura Económica Argentina.

Busso, Matías, and Julián Messina

2020 *La crisis de la desigualdad: América Latina y el Caribe en la encrucijada*. Washington, DC: Banco Interamericano de Desarrollo.

Correia, Joel E.

2019 “Soy States: Resource Politics, Violent Environments and Soybean Territorialization in Paraguay.” *The Journal of Peasant Studies* 46 (2): 316–336. doi:10.1080/03066150.2017.1384726.

Crandall, Christian S., and Ryan K. Beasley

2001 “A Perceptual Theory of Legitimacy: Politics, Prejudice, Social Institutions, and Moral Value.” In *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations*, edited by John T. Jost and Brenda Major, 77–102. New York: Cambridge University Press.

Derwich, Karol

2021 “Crisis del Estado en América Latina en el siglo XXI.” *Contextualizaciones Latinoamericanas* 1 (24): 83–95.

Dewey, Matías

2011 “Fragile States, Robust Structures: Illegal Police Protection in Buenos Aires.” GIGA Working Papers, no. 169. Hamburg: German Institute of Global and Area Studies (GIGA). <https://hdl.handle.net/10419/47777>

2015 *El orden clandestino: Política, fuerzas de seguridad y mercados ilegales en la Argentina*. Discussions, vol. 2045. Buenos Aires: Katz Editores.

2020 *Making It at Any Cost: Aspirations and Politics in a Counterfeit Clothing Marketplace*. Austin: University of Texas Press.

Dewey, Matías, Daniel Pedro Míguez, and Marcelo Fabián Sain

2017 “The Strength of Collusion: A Conceptual Framework for Interpreting Hybrid Social Orders.” *Current Sociology* 65 (3): 395–410.

Dewey, Matías, and Kedron Thomas

2022 “Futurity beyond the State: Illegal Markets and Imagined Futures in Latin America.” *Latin American Politics and Society* 64 (4): 1–23.

Dufour, Dany-Robert

2009 *La Cité perverse: Libéralisme et pornographie*. Paris: Denoël.

2013 “Liberalismo, liberación de las pasiones, pulsiones, tráficos.” *diecisiete* 2 (17): 11–27.

Fiske, Susan T., Karen E. Rosenblum, and Toni-Michelle C. Travis

2009 *Social Beings: A Core Motives Approach to Social Psychology*. New York: Wiley.

Garat, Guillermo

2016 “Paraguay: la tierra escondida. Examen del mayor productor de cannabis de América del Sur.” The Transnational Institute and Friedrich Ebert Stiftung, *Análisis* 4/2016.

Gootenberg, Paul

2018 “Introduction: Orphans of Development: The Unanticipated Rise of Illicit Coca in the Amazon Andes, 1950–1990.” In *The Origins of Cocaine: Colonization and Failed Development in the Amazon Andes*, edited by Gootenberg and Liliana M. Dávalos, 1–18. New York: Routledge.

Greenwald, Glenn

2009 “Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies.” Cato Institute Whitepaper Series. Washington, DC: Cato Institute.

Hughes, Caitlin Elizabeth, and Alex Stevens

2010 “What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?” *The British Journal of Criminology* 50 (6): 999–1022.

Jost, John T., and Diana Burgess

2000 “Attitudinal Ambivalence and the Conflict between Group and System Justification Motives in Low Status Groups.” *Personality and Social Psychology Bulletin* 26, 293–305.

Jost, John, and Orsolya Hunyady

2003 “The Psychology of System Justification and the Palliative Function of Ideology.” *European Review of Social Psychology* 13, 111–153.

Jost, John T., and Erik P. Thompson

2000 “Group-based Dominance and Opposition to Equality as Independent Predictors of Self-esteem, Ethnocentrism, and Social Policy Attitudes among African Americans and European Americans.” *Journal of Experimental Social Psychology* 36, 209–232.

Kundrod, Kathryn

2015 “Decriminalization of Drugs in Portugal: A Controversial Experiment for Public Health.” *Perspectives on Business and Economics*, vol. 33, paper 2. <http://preserve.lehigh.edu/perspectives-v33/22015>

Lerner, Melvin J.

1980 “The Belief in a Just World.” In *The Belief in a Just World*, by Lerner, 9–30. Boston: Springer.

Lukes, Steven

1974 *Power: A Radical View*. London: Macmillan.

Malamud, Andrés

2022 “Conference on the Hemispheric Situation.” Inter-American Defense College. Washington, DC, April 21.

Moriconi, Marcelo

2013 *Ser violento. El origen de la inseguridad y la víctima-cómplice*. Buenos Aires: Capital Intelectual.

2018a “Reframing Illegalities: Crime, Cultural Values and Ideas of Success (in Argentina).” *Crime, Law and Social Change* 69 (4): 497–518.

2018b “Desmitificar la corrupción: la perversidad de su tolerancia... y su combate.” *Nueva Sociedad* 276, 118–128.

2021 “El colapso de la legalidad y la naturalización de la transgresión.” In *Los actores implicados en la gobernanza criminal en América Latina*, coordinado por Sonia Alda Mejía. Madrid: Real Instituto Elcano y Fundación Friedrich Naumann.

Moriconi, Marcelo, and Carlos Aníbal Peris

2019 “Merging Legality with Illegality in Paraguay: The Cluster of Order in Pedro Juan Caballero.” *Third World Quarterly* 40 (12): 2210–2227.

2022 “Cultivating Cannabis in a Paraguayan Nature Reserve: Incentives and Moral Justification for Breaking the Law.” *Trends in Organized Crime* (September), 1–22.

Morínigo, José N.

2009 *Auge de la producción rural y crisis campesina*. Asunción: Fondo de la Cultura y las Artes.

Moury, Catherine, and Mafalda Escada

2023 “Understanding Successful Policy Innovation: The Case of Portuguese Drug Policy.” *Addiction* 118 (5): 967–978.

Naím, Moisés

2012 “Mafia States: Organized Crime Takes Office.” *Foreign Affairs* 91 (3): 100–111.



- Ocampo, Luís E., and Ma. Guadalupe Vargas  
2009 “Estado, violencias y temores ciudadanos.” *Estudios Latinoamericanos* 24–25, 59–70.
- Panella, Cristiana, and Kedron Thomas  
2015 “Ethics, Evaluation, and Economies of Value amidst Illegal Practices.” *Critique of Anthropology* 35 (1): 3–12.
- Ramos, Miguel R., Isabel Correia, and Hélder Alves  
2014 “To Believe or Not to Believe in a Just World? The Psychological Costs of Threats to the Belief in a Just World and the Role of Attributions.” *Self and Identity* 13 (3): 257–273.
- Ramos, Miguel R., and Marcelo Moriconi  
2018 “Corruption in Latin America: Stereotypes of Politicians and their Implications for Affect and Perceived Justice.” *Social Psychological and Personality Science* 9 (2): 111–122.
- Sandel, Michael J.  
2000 “What Money Can't Buy: The Moral Limits of Markets.” Tanner Lectures on Human Values 21, 87–122. Salt Lake City: University of Utah Press.
- Schargrodsy, Ernesto, and Lucía Freira  
2021 “Inequality and Crime in Latin America and the Caribbean: New Data for an Old Question.” Caracas: CAF, September 7. Retrieved from <https://scioteca.caf.com/handle/123456789/1786>
- Schultze-Kraft, Markus  
2018 “Making Peace in Seas of Crime: Crimilegal Order and Armed Conflict Termination in Colombia.” *Crime, Law and Social Change* 69 (4): 475–496.
- Thoumi, Francisco E.  
2003 *Illegal Drugs, Economy, and Society in the Andes*. Washington, DC: Woodrow Wilson Center Press.
- Whitehead, Laurence  
2003 “The Dark Side of Democratization: ‘Dysfunctional’ Democracies in South America?” *Colombia Internacional* 58, 8–35.