



THE REAL ECONOMY—PART II

Smuggling realities

On numbers, borders, and performances

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This essay seeks to describe the efforts made to portray the “reality of smuggling” in Brazil by analyzing the instruments and the strategies of the actors involved in these efforts, such as the Institute for Social and Economic Development of the Borders (IDESF), the National Forum Against Piracy and Illegality (FNCP), the Brazilian Institute for Ethics in Competition (ETCO), and the Brazilian Association for Combating Counterfeiting (ABCF). Smuggling has emerged as a critical topic in the agenda of the antipiracy coalition, and is associated with certain spaces, actors, and dynamics that define its key circuits, both territorially and socially: land borders (especially with Paraguay) traversed by commercial circuits that feed popular markets. By contemplating the actors, performances, instruments, and variables chosen to compose the figures of smuggling, it is possible to appreciate the agenda that is being put forward and the effects on the government and management of those circuits.

Keywords: Brazil, smuggling, public numbers, performances, Paraguay, borders, cigarettes

If we follow the figures about smuggling that appear frequently in media reports in Brazil, we could conclude that there is grounded knowledge about the phenomenon. The same figures are used by and within different media and they are presented with regularity, accompanying the (reported) growing volume of smuggled products. Nonetheless, if we pay attention to the chronology of those numbers—their sudden emergence in the public discourse—to the actors enunciating them, and to the strategies used to publicize them, many questions arise. How are these figures produced? Who produces them? In which debates are these figures mobilized?

In this article, I will describe the efforts made to portray the so-called reality of smuggling by analyzing the instruments used, the actors involved, and the effects they produce. It is claimed that the Brazilian economy suffers great losses due to smuggling; provoked by the notion of this great figure, I discovered a transformation at the level of compositions, discourses, and practices that revealed the growing importance of smuggling as a productive trope for intervening in Brazilian political and economic dynamics.

Three fields of inquiry converge in my interest for these numbers: first, the economic practices that lie

outside official accounts—what has been called informal or second economy (Hart 1973; MacGaffey et al. 1991); second, the government of ordinary economic practices, particularly through the Foucauldian notions of *illegalismes* and governmentality (Foucault 1975, [1977–78] 2004); and finally, the ethnography of public numbers—their production, circulation, and operation as instruments of government (Desrosières 1993; Porter 1995; Neiburg 2006, 2010; Hull 2012; Guyer 2016).

The estimates for smuggling have always surprised me, doing long-term ethnographic research on the dynamic border trade between Brazil and Paraguay. My research focused, precisely, on what doesn't count: the jobs and the wealth produced in those circuits. Is it possible to calculate the losses that smuggling produces without considering its gains? This is a naïve way of posing the question, of course. I raise it, precisely, to underline the perspectives that can inform our approaches to these issues and the limits that they have—here, I want to emphasize the selective character of the choices undertaken to depict the “reality of smuggling,” which I will describe in this article.

Analyzing the estimates for smuggling led me to investigate definitions, measurement techniques, and mod-



els of analysis. In part, this text is about that, although it is much more than that. This is a text about the orchestrated production of definitions of reality constructed by certain actors, conveyed by the media, and expected to reach very specific goals—specifically, a reality that is productive, both in terms of political articulations and of legal transformations.

The article is structured as follows. First, I present the coverage by the main Brazilian television journal of the 2015 National Day to Combat Smuggling. Smuggling—suddenly—became such a huge problem in Brazil that even a National Day to Combat Smuggling was established. But when did that happen? Who was responsible for highlighting that “problem”? Next, I describe the legitimation of the discussion about smuggling in press conferences and through seminars organized by the print media (*Folha de São Paulo* and *Correio Brasileiro*), which constitute crucial contexts for the presentation of “facts”—through the mobilization of research data—and proposals. Data from research became a crucial element to objectify a reality that—it is said—is considered to be known but “is not envisaged in its real dimension and consequences.” The numbers produced by those researches are facts mobilized through the media and incorporated in official discourses. It is crucial to analyze these numbers in order to understand their performative character. Finally, I explore some of the effects they produce: the legitimation of corporate and industrial groups’ claims, the spatialization of the problem of smuggling, and the criminalization of certain economic practices.

The issues analyzed in this essay are not unique to Brazil. As Peter Andreas and Kelly Greenhill pointed out in the introduction of *Sex, drugs, and body counts: The politics of numbers in global crime and conflict*,

these difficult to observe phenomena are not perceived to be “real” until they are quantified and given a number. Consequently, death tolls, refugee flows, trafficking, and smuggling estimates are commonly inflated, deflated, or simply fabricated, all in the service of political goals. Identifying the sources of such numbers—as well as recognizing the agendas of their producers and proliferators—can be critically important in helping to mitigate some of their more pernicious effects. (Andreas and Greenhill 2010: 6)

I align myself with these interests, following a growing literature on control policies of border flows and markets in Brazil—particularly in its Paraguayan bor-

der¹—and copyright enforcement and antipiracy strategies;² elements that are crucial in order to understand the growing importance of smuggling as a productive trope.

Both the contexts for the presentation of the problem of smuggling and the facts staged in those events *through* numbers need to be scrutinized in order to understand the interested nature of the interpretations presented in and through them. The contexts for the numbers were not the natural emanation of journalistic interest; neither were the numbers the descriptive expression of real dimensions. However, the interested claims presented through smuggling are gradually heeded—tax reduction, legal transformations—and the reality of smuggling constructed through these numbers and emplaced in certain borders and slums has concrete consequences for everyday life in those spaces. In summary, the article seeks to analyze the relationship between performances, numbers, and performativity in contemporary discourses on contraband in Brazil.³

Performing “protests” and producing “national days”

On March 3, 2016, William Bonner, the anchorman of *Jornal Nacional*—the primetime news program of Brazilian television—announced that “This Thursday, the National Day to Combat Smuggling, there were several protests demanding more measures from the government.” An off-screen voice described the protests while showing them: “In Brasilia, under rain, protest-

1. See Rabossi (2004, 2013); Pinheiro-Machado (2010); Cardin (2011); Francisco (2014); Renoldi (2015). For the Brazilian border with Uruguay, see Dorfman (2015).
2. See Mizukami et al. (2011); Dent (2012, 2015); Castro and Mizukami (2013); Bandeira (2013).
3. As developed in performance studies, I use the concept of performance as special events where participants “are thoroughly conscious of their action or practice as a performance to be witnessed or participated in as such” (Kapferer and Hobart 2005: 11). The concept of performativity, although inspired in Michel Callon’s proposal of studying the performative effects of economics on the economy (Callon 1998) and its subsequent developments (MacKenzie and Millo 2003; Neiburg 2006), is taken in a broader sense to analyze the performative effects of discussions legitimated by numbers and staged in particular performances.



ers walked before the Esplanade of the Ministries and stopped in front of the presidential building, the *Palacio do Planalto*. There was also a protest in São Paulo, in front of the government house, the *Palacio dos Bandeirantes*.⁴ The image switched to a man throwing cigarettes into a machine, while announcing that the Brazilian Association for Combating Counterfeiting (ABCF) destroyed smuggled cigarettes. After presenting several figures and places, another journalist appeared in front of a road saying, “Every time that a product enters in Brazil without paying taxes, Brazil is losing. Last year, smuggling rose 15% and produced a loss of R\$115 billion,” equivalent to 30 billion USD at the time. On screen, the source was displayed: IDESF.⁴ “Who produces according to the law and pays their taxes, complain of unfair competition” continued the off-screen voice, showing a seminar room with a table with eight speakers—seven men, one woman—and a canvas behind that read: National Day to Combat Smuggling. In a corridor outside the seminar room, Evandro Guimaraes, president of ETCO,⁵ said that jobs, industrial activity, and all sectors were affected by smuggling, adding: “I would say that everything remains to be done at every government level.” Less than two and a half minutes later,⁶ William Bonner reappeared on screen to present the government version in ten seconds: the Ministry of Justice said that it had improved the structure of the Federal Police and the Federal Road Police at the border, and that it was carrying out special operations in the states of Mato Grosso do Sul and Paraná.⁷

The coverage by the *Jornal Nacional* can be summarized as the presentation of certain facts—the protests and the destruction of smuggled merchandise—and the interpretations given by several actors spurred by a national commemoration. However, when analyzed in detail, alongside the reports that were published in the newspapers, a different picture emerges. As I will try to demonstrate, what were presented as facts and in-

terpretations were, in fact, performances and contexts for normative discourses. The same actors that orchestrated media coverage invented events such as the National Day to Combat Smuggling.

If we look at the images of the protest in Brasilia and São Paulo, we can see that the characters, the posters, and the aesthetic are all exactly the same. All the participants (almost sixty in each case) wore the same T-shirts—white with black stripes—that resembled prison uniforms. Many of them, especially men, used black knit caps and black gloves (see Fig. 1). They look like Lego characters of city burglars.⁸

The posters were the same in content, format, and material. They presented different slogans. “Brazil, smuggler country.” “Welcome smugglers, our borders are open for you.” “Paraguayan cigarettes, national preference.” “More taxes, more cigarettes from Paraguay.” “Government and smugglers, united to end your job.” A photograph of Paraguayan president Horacio Cartes, with the motto: “Our hero, our president.” Written on a huge packet of cigarettes, a question: “Economy going wrong? Join cigarette smuggling, the fastest growing industry in the country.” In São Paulo, there were a lot of balloons saying: “Blah, blah, blah,” mocking the governor who said that the fight against smuggling would be a priority.

Given the peculiar characteristic of the protests—people using the same costumes and carrying banners put together by the same hands (see Fig. 1)—it is noteworthy that neither the news programs nor the newspapers mention anything about that aesthetic redundancy. I only found an explanation regarding the nature of the protests in the website of the National Confederation of Industry (CNI 2016). At the protests, we can see the same numbers and details presented as we saw exhibited in *Jornal Nacional*. The activities displayed during the National Day to Combat Smuggling were organized by the *Movimento em Defesa do Mercado Legal Brasileiro* (Movement for the Defense of the Brazilian Licit Market), which gathers together entrepreneurs and representatives of different economic sectors. The protestors were described as groups of “smugglers” that, in a “playful protest,” thanked the federal government for its inefficiency in combating smuggling, a practice that “only benefits organized crime.”

4. IDESF stands for *Instituto de Desenvolvimento Econômico e Social de Fronteiras* (Institute for Social and Economic Development of the Borders).

5. ETCO stands for *Instituto Brasileiro de Ética Concorrencial* (Brazilian Institute for Ethics in Competition).

6. 2:16 minutes, to be exact.

7. *Jornal Nacional*, “National Day to Combat Smuggling has protests,” presented on March 3, 2016, 22h20, Rede Globo, Channel 4 VHF (*Jornal Nacional* 2016).

8. See <http://brickset.com/sets/853092-1/City-Burglars-Magnet-Set>, corresponding to the 853092 City Burglars Magnet Set, released in 2011.





Figure 1: Protest against smuggling, in front of the Planalto Palace (Brasília). Credit: Antonio Cruz/Agência Brasil⁹

The Movement for the Defense of the Brazilian Licit Market was created in September 2014, when the *Instituto Brasileiro de Ética Concorrencial* (ETCO) and the *Forum Nacional contra a Pirataria e a Ilegalidade* (FNCP), together with eighteen associations from several economic sectors, presented a manifesto in which they requested the support of candidates in the October presidential election toward the protection of the licit market.¹⁰ The subtitle of the manifesto expressed the scope of the point of view of enunciation: “A society united against smuggling, piracy, and counterfeiting.”¹¹

9. Empresa Brasil de Comunicação S/A—EBC. Licença Creative Commons Atribuição 3.0 Brasil.
10. The groups that signed the manifesto included several sectorial chambers (among others, tobacco, software, optic and sporting goods, and toys), interindustry coordinators, and intellectual property associations. The letter, with the complete list of institutions, can be found here: http://www.etc.org.br/11/wp-content/uploads/Carta_ETCO_v1_EMAIL_1.pdf.
11. Analyzing the meetings of the National Council on Combating Piracy and Intellectual Property Crimes (CNCP)—where the same groups analyzed here meet

The manifesto outlined twelve demands that revolve around the commitment to fighting piracy, smuggling, counterfeiting (tightening enforcement), the reduction of taxes, and the simplification of bureaucratic procedures (liberalizing the economy). At the end of 2014, the *Associação Brasileira de Combate à Falsificação* (Brazilian Association for Combating Counterfeiting—ABCF) and the *Instituto de Desenvolvimento Econômico e Social de Fronteiras* (Institute for Social and Economic Development of the Borders—IDESF) also became organizers of the movement, which nowadays—they say—represents over seventy associations.

The Movement for the Defense of the Brazilian Licit Market represented a new articulation of several organizations financed by corporate actors and industrial sectors that work on intellectual property lobbying and advocacy, anticounterfeiting, and cross-industry coordination (Mizukami et al. 2011: 248ss). I will present the main institutional actors behind the constitution

regularly with State officials—Pedro Francisco has already called attention to the use of the concept of civil society to nominate nonstate representatives, eclipsing the fact that they are private industrial representatives (Francisco 2014: 91).



of the movement in order to identify the interests they represent. The proliferation of acronyms that makes the text difficult to follow can also be interpreted as part of the illegibility of this field.

The ETCO was founded in 2003 by the initiative of the several enterprises that constitute its current sectorial chambers: tobacco (Souza Cruz), beer (AmBev), soft drinks (Coca-Cola, Pepsi, AmBev), and fuel (SINDICOM—Fuel Distribution Association). It promotes actions for a better business environment through studies, legislative lobbying, and education. It focuses on the fight against illegal commerce, smuggling, informality, tax evasion, and corruption. Until October 2016, its president was publicist Evandro do Carmo Guimarães, who worked from 1979 to 2011 for the Gupo Globo—the main media corporation of Brazil—and was responsible for its institutional relationships. The association's headquarters is in São Paulo.

The FNCP (National Forum against Piracy and Illegality) was established in 2003 during the Parliamentary Commission for Inquiry on Piracy and it was legally constituted in 2004. Its focus is the combat of piracy and counterfeiting, having among its associates several companies—like HP, Microsoft, Colgate-Palmolive, Xerox, Philip Morris, Souza Cruz—sectorial associations and other groups and organizations. Founded by the economist Alexandre Cruz, it has been headed from 2009 until 2016 by lawyer Edson Luiz Vismona, former Secretary of Justice of the state of São Paulo (2000–2002). In October 2016, Vismona assumed the direction of ETCO, showing the close connections between these institutions. The association's headquarters is also in São Paulo.

The IDESF (Institute for Social and Economic Development of the Borders) was founded in 2013 in Foz do Iguaçu, in the border region with Paraguay and Argentina, the Tri-Border Area.¹² Its declared purpose

is “to promote equality and integration in border regions,” through diagnosis, research, education, and training with government and society, for the protection of the national market and the formal economy. Its president, economist Luis Stremel Barros, was previously (and for a long time) the representative of the Brazilian Association for Combating Counterfeiting (ABCF) in Foz do Iguaçu, before he came to run IDESF. He is also the Paraná Regional Director of the ABCF.

The Brazilian Association for Combating Counterfeiting (ABCF) represents companies like Abbot, AmBev, Caloi, Coca-Cola, Globo, H.Stern, Johnson & Johnson, Kaiser, Levi, Motorola, Philips, Souza Cruz, Unilever, Votorantim, and others. It investigates and intervenes judicially in cases of counterfeiting of their brands, and gives support to the enforcement agencies of the state. Rodolpho Ramazzini is the association's main figure. Its headquarters is also in São Paulo.

As Pedro Francisco indicated in his research on Paraguayan cigarettes in Brazil while witnessing the emergence of IDESF,

ABCF and IDESF can be classified as Operational Support organizations . . . with the provision of direct assistance to public authorities. . . . Assistance may be material—including direct funding through contributions—and logistical, with training and support for programs focused on repressive measures; and the advocating of interest in the form of public relations, lectures, research production and marketing anti-smuggling, focusing on messages about the damages to consumer health and to the national economy and the constant reference to organized crime. The ETCO and FNCP are crosscutting articulators, since they aggregate a number of stakeholders in the fight against illegal practices. Here, the *modus operandi* is also divided into two areas: lobby, with actions aimed directly to legislators, focused on specific legislative changes; and

12. The Tri-Border Area—or TBA, as it is internationally known (the *Triplíce Fronteira*, in Portuguese)—is the region where the borders of Brazil, Paraguay, and Argentina meet. Ciudad del Este, in Paraguay, and Foz do Iguaçu, in Brazil, are important commercial cities with the presence of significant commercial diaspora groups like Lebanese, Chinese, Koreans, and Indians, among others. During the 1980s, Ciudad del Este (then Ciudad Presidente Stroessner) became the main market for imported goods in Brazil, and Foz do Iguaçu was the main market for Brazilian goods in Paraguay. Since the 1990s, the region has been denounced as a regional se-

curity threat. For an analysis of the commercial circuits of the region, see Rabossi (2012). For a description of the Arab and Muslim presence in the region, see Rabossi (2014). For a deep ethnographic analysis of micro-credit and financial technologies in Ciudad del Este, see Schuster (2015). Ieva Jusionyte (2015) undertook an ethnographic analysis of how security is perceived, constructed, and experienced through the lens of the media, particularly from the Argentinean side of the border. See Montenegro and Béliveau (2006) for an analysis of representations of the region. Carmen Ferradás (1998) also provides an anthropological analysis of the region.



coordination of the activities above mentioned, between different sets of actors. Increasingly, it is this activity which is the main engine of the institutional system to combat cigarette smuggling. (Mizukami et al. 2013: 49; quoted in Francisco 2014: 94–95)

One of the first proposals of the Movement for the Defense of the Brazilian Licit Market was the creation of the National Day to Combat Smuggling, to be observed annually on March 3. The aim was to establish a day for drawing both the attention of the government and of society to the problems of smuggling. The media presented the first National Day to Combat Smuggling on March 3, 2015, without any reference to its unofficial character. The implicit officialization of the date in the media was possible thanks to the role played by some of its proponents: the president of ETCO was the lobbyist of the main conglomerate of Brazilian media for decades. On the other hand, the model of a national day to highlight a particular topic of the agenda of law enforcement was well known to ETCO, FNCP, and ABCF actors. It had already been implemented with the National Day of Combating Piracy and Bio-piracy, which was established by federal law in 2005.¹³

Contexts for numbers

The first edition of the National Day to Combat Smuggling was in 2015. The organizers prepared several main events, including the presentation of the results of research undertaken by the IDESF, in Foz do Iguaçu, and a meeting at Brasília where the figures for smuggling and proposals for combating it were presented. Each event was designed in accordance with a spatial inscription of the logic of governance: the border as the scene for the facts of smuggling; the capital city as the site for presenting demands to the government and influencing the legislative process.

In Foz do Iguaçu, which is one of the main points of entrance of merchandise from Paraguay, the scene was prepared for the presentation of data on smuggling. In a press conference at the Brazilian federal revenue service agency headquarters, the president of IDESF pre-

sented the results of *The cost of smuggling*, research that would henceforth provide the numbers quoted in every report on smuggling.¹⁴

At a modern convention center in Brasília, in the name of the Movement for the Defense of the Brazilian Licit Market, the presidents of ETCO and FNCP presented their demands: tightened controls at the border, a “positive agenda” for Brazil-Paraguay relationships to find alternatives to smuggling, and reduction of taxes for Brazilian products. Congressman Efraim Filho, from the state of Paraíba and affiliated with the right-wing party DEM, presented the proposals that he was putting forward to Congress: the official constitution of the Parliamentary Front against Smuggling and Counterfeiting and a toughening of penalties against smuggling offenses.¹⁵

As the media treated the day as something given—particularly, the news programs of Rede Globo channels¹⁶—the intentions behind its creation were effaced and all that remained were the aims of its creators: to transform smuggling into a worrying problem that must worry everybody. The performance of two semi-

13. For an analysis of the Brazilian policies regarding piracy and the actors and coalitions that intervene in the field, see Mizukami et al. (2011). Their analysis was fundamental for my description and perspective.

14. The *Receita Federal do Brasil* (RFB) is a secretariat of the Ministry of Finance of Brazil. It administers the tax collection and the customs of Brazil.

15. The penalties for smuggling had already been modified in 2014 (Law 13.008/14), following a proposal by congressman Efraim Filho that created independent categories for crimes that had not been legally sanctioned as different infractions: *contrabando* (introduction of prohibited or regulated products) and *descaminho* (introduction of merchandises without paying taxes). While *descaminho* remains a crime with one- to four-year prison sentences, the penalty for *contrabando* rose from two years to five years of prison time, which means that there is the possibility of preventive prison, no chance of parole, and the crime now only prescribed after twelve (rather than eight) years. The new proposal (PL 1530/2015) aims to penalize the drivers that transport contraband and the merchants that sell smuggled goods. The Parliamentary Front Against Smuggling and Counterfeiting was established on May 14, 2015, including 230 members of the Congress and the Federal Senate and it is the parliamentary articulation for the modification of the law and for presenting demands to the government.

16. Besides *Jornal Nacional* presented above, see *Jornal da Globo* (Kirche 2015) and *Bom Dia Brasil* (2015).



nars organized by two of the main Brazilian journals, *Folha de São Paulo* and *Correio Braziliense*, was another step in constructing the context wherein smuggling would be raised to a national problem.¹⁷

The multimedia project “Everything about smuggling in Brazil” was organized by *Folha de São Paulo*, the newspaper of another key media group in Brazil, Grupo Folha. “Everything about smuggling in Brazil” was the result of two months of research undertaken by thirty professionals that sought to map and explain smuggling in Brazil. On March 18–19, *Folha de São Paulo* organized the seminar “Smuggling in Brazil” where it analyzed the impact of smuggling on the Brazilian economy, the relation between smuggling and urban violence, and the means to combat it. The speakers were federal and state officials—including the Minister of Justice—businessmen, politicians, journalists, and the spokesmen of the Movement for the Defense of the Brazilian Licit Market. In fact, the project and the seminar were sponsored by ETCO, FNCP, IDESEF, and ABCF.

Some months later, on October 6, 2015, the *Correio Braziliense* newspaper and ETCO organized in Brasília the seminar “Smuggling in Brazil: Impacts and solutions.”¹⁸ The seminar was sponsored by ETCO, IDESEF, FNCP, and ABCF, and was presented as an activity of the Movement for the Defense of the Brazilian Licit Market. Many of the speakers had already been present in the other media events produced by the movement, together with representatives of the industry, and auditor of the Federal Audit Court and the Minister of Jus-

tice, José Eduardo Cardozo.¹⁹ The numbers mobilized in its announcement and coverage were also present in the other events. “A crime that cost R\$100 billion to the country,” was the headline in the newspaper the following day. A special issue on the seminar, entitled “Illegal market,” was published in the *Correio Braziliense* print edition on October 15, 2015.

In little more than a year, the same actors, numbers, and arguments appeared repeatedly in the media, presenting smuggling as a huge problem for Brazil. Since the presentation of the Manifesto in Defense of the Brazilian Licit Market that addressed the presidential candidates in 2014 election, the movement managed to produce the contexts for its own presentations: press conferences, a “national day,” and seminars in the newspapers. The centrality of the media coverage is crucial for us to understand the nature of these events: performances where certain facts and interpretations can be presented as news.²⁰

The media attention that the movement gained was grounded in the trajectory of some of its members and in the power of the companies that they represent. When the manifesto was launched in 2014, the coverage of *Veja*—the leading weekly news magazine of Brazil, published by another media conglomerate, Grupo Abril—made no reference in the title to smuggling or to the movement. “The return of Evandro” was a small column, explaining that Evandro Guimarães had assumed the direction of ETCO, proposing to the presidential candidates several measures to combat smuggling and piracy. In an intimate tone, the text commented, “After a

17. Newspapers in Brazil are state-based, not national. In 2015, according to the *Associação Nacional de Jornais* (Newspaper National Association), based on data of the *Instituto Verificador de Circulação* (IVC), *Folha de São Paulo* was the third newspaper in circulation in printed version in the country—after *Super Notícia* (Minas Gerais) and *O Globo* (Rio de Janeiro). *Correio Braziliense* was the twentieth (ANJ 2016). If we include paid subscriptions with its digital version, *Folha de São Paulo* was the main journal in paid circulation in Brazil—with 335,895 daily readers in 2015—followed by *O Globo* and *Super Notícia*.

18. As the main newspaper of the capital city (seat of the political power of the country), *Correio Braziliense* is important for the composition of its audience, not for the numbers that it sells.

19. The participants at the *Correio Braziliense* seminar were Evandro Guimaraes (ETCO), Efraim Filho (Federal Deputy), Rodolpho Ramazzini (ABCF), Luciano Barros (IDSEF), Edson Vismona (FNCP), the president of Souza Cruz (British American Tobacco subsidiary), the president of Brazilian Association of Soft Drink and Non Alcoholic Beverages, Federal Audit Court auditor Merio Bertuol and the Minister of Justice, José Eduardo Cardozo.

20. The repercussion of these events was a permanent preoccupation for the organizers of the movement. See, for example, the 176-page report produced by FSB—the main communication agency of Brazil—to ETCO and FNCP, clipping all the media production about the presentation of the manifesto in September 2014 at the press conference in Brasília (FSB 2014).



decade of services for Globo, Evandro left his position as the official lobbyist of the station in 2011.²¹ In fact, he stopped being the lobbyist of one company to become the lobbyist of *several* companies. It is no surprise that all the Globo channels treated ETCO and the movement's interpretations as "givens." *Folha de São Paulo* and *Correio Braziliense*, the main institutions of the movement, sponsored "the interest" of the media in smuggling, producing seminars and special issues on the topic. The presence of the Ministry of Justice in the seminars organized by the newspapers shows the convening power that they managed to aggregate in very little time.

In short, the Manifesto in Defense of the Brazilian Licit Market turned smuggling into the reference trope that organized the discourse and the demands of the movement, and the IDESF's research as presented in *The cost of smuggling* provided some of the numbers that were continually repeated since its release. Given the centrality of these numbers, it is fundamental to look into them.

Smuggling numbers

The cost of smuggling resulted from a study coordinated and applied by IDESF together with *Empresa Gaúcha de Opinião Pública e Estatística* (EGOPE), a company dedicated to market and public opinion research based in Lajeado, a small city of Rio Grande do Sul State.

The study has three components: a description of the smuggling circuits that connect Ciudad del Este, Foz do Iguaçu, and São Paulo (general data); an analysis of the cost and profits of the ten most smuggled products at the time of their purchase in Paraguay and when they are sold in São Paulo (Top 10); and a description of the smuggled cigarette market.

General data—displayed as findings in the presentation of the research and amplified by the media—were derived from fifteen interviews with "smugglers" about topics such as income, number of persons that work for a boss, number of trips, and amount of goods transported. Indirect speech—such as "It is estimated" or "It was identified"—allowed the authors to present the

21. In fact, Guimarães's relationship with Globo dated from the end of the 1970s. For his trajectory, see *MemóriaGlobo* (2013).

data without the need to qualify it. Almost all the figures are presented without any explanation as to how they were calculated, including claims that "15,000 people are directly involved with smuggling in the Foz do Iguaçu region" (IDESF 2015a: 8), that the average income in the smuggling world is R\$985, or that income is concentrated among the 2 percent that control the business. If the general data was obtained through qualitative methodologies, the text does not explain how it was transformed into quantitative data.

The *cost of smuggling* report presents "The Top 10" most smuggled products, based on seizures by the Federal Revenue Service. The graph shows data that indicates the following products and figures smuggled through the Brazilian-Paraguayan border (in %): cigarettes (67.44), electronic devices (15.42), computers and accessories (5.04), clothes (3.03), perfumes (2.45), watches (2.03), toys (1.89), glasses (1.5), medicines (0.85), beverages and drinks (0.35).²² When the report turns to the smuggled cigarette market, these percentages are projected nationally: "As we saw previously, cigarettes today represent 67.44% of all the smuggling that enters through the borders, the equivalent of R\$6.4 billion considering losses for industry and taxation. Included among them, R\$4.5 billion are taxes that the state fails to collect" (IDESF 2015: 11).

Before considering the procedure that generates these estimates, let's examine the numbers. The percentages were calculated from seizures at the Foz do Iguaçu Office of the Federal Revenue Service in 2014. Those percentages, however, were calculated without four items of the Federal Revenue Service list and the exclusion of these items was not justified in the report (see Table 1). In Table 1, we can see the percentages calculated by IDESF (the blank cells correspond to

22. After presenting the "Top 10" most smuggled products, the report presents a table with the gains that each item can produce; it compares the prices between Ciudad del Este, Paraguay (provision market) and São Paulo (selling market). The prices were determined by consulting 180 stores in Ciudad del Este and 120 stores in São Paulo. The average price of the products—which is very interesting data—is accompanied by three other columns: the cost of smuggling for each product, the minimum gain, and the maximum gain. Although explained in the text, the reader does not have all the elements necessary to understand the percentage that appeared in each column for every product.



Table 1. Smuggling seizures in 2014, Brazil (% by products according to different sources: IDESF 2015; Lichacovski 2015; RFB 2014)

Products	IDESF		RF—Foz do Iguaçu		RF—Brazil	
	%	Position	%	Position	%	Position
Cigarettes	67.44	1°	51.86	1°	28.61	2°
Vehicles			16.57	2°	5.38	4°
Electronic devices	15.42	2°	11.86	3°	8.43	3°
Other products			5.92	4°	40.74	1°
Computers & accessories	5.04	3°	3.87	5°	2.29	7°
Clothes	3.03	4°	2.34	6°	5.24	5°
Perfumes	2.45	5°	1.88	7°	0.7	12°
Watches	2.03	6°	1.56	8°	2.18	8°
Toys	1.89	7°	1.45	9°	1.23	9°
Glasses	1.5	8°	1.15	10°	3.09	6°
Medicines	0.85	9°	0.65	11°	0.25	13°
Optical media (recorded)			0.46	12°	0.78	11°
Beverages and drinks	0.35	10°	0.28	13°	0.83	10°
Optical media (blank)			0.15	14°	0.25	14°
Total	100		100		100	

the items excluded). The second column (RF—Foz do Iguaçu) presents the percentages considering total seizures in Foz do Iguaçu (Lichacovski 2015). The third column (RF—Brazil) presents the percentages of that merchandise in relation to all seizures done by the Federal Revenue Service in 2014 in Brazil (RFB 2014).

The distortion produced by the exclusion of certain items (i.e., vehicles, other products, and both recorded and blank optical media) guaranteed the inclusion of other items (i.e., beverages and drinks) among the Top 10 list of IDESF. The distortion was aggravated by the recalculation of the percentages without the amounts of the items excluded. To visualize that, we need to incorporate the total amounts reported by the Foz do Iguaçu Office of the Federal Revenue Service (Table 2).

To recalculate the percentage of seizures with a smaller total amount ensures the inflation of the TOP 10 figures of IDESF (compare IDESF / RF—Foz do Iguaçu columns, in Table 1). Two other procedures transform these numbers in a superlative dimension. First, the report projects those numbers nationally (“cigarettes today represent 67.44% of all the smuggling that enters through the borders,” IDESF 2015: 11). Second, it converts the percentage back again in a total amount of money (“the equivalent of R\$6.4 billion considering losses for indus-

try and taxation. Included among them, R\$ 4.5 billion are taxes that the state fails to collect,” IDESF 2015: 11).

The national projection of the arranged percentages produced by IDESF creates a gross misrepresentation in its portrayal of smuggling. The difference between the amount of cigarette smuggling according to IDESF and the seizures by the Federal Revenue Service in Brazil (third column in Table 1) is enormous: from almost 70% of all smuggling for IDESF to less than 30% according to *actual* seizures. That number not only captures the attention of the media—appearing in several headlines and TV spots²³—but it is one of the main examples used by the spokesmen of ETCO, FNCP, IDESF, and ABCF to confirm the connection between the rise in taxes and the expansion of smuggling.

23. *Bom dia, Brasil*, for example, a television news program broadcast by Globo Channel, on the National Day to Combat Smuggling declared: “Cigarette is the most smuggled product in Brazil, points out research. The product represents almost 70% of all smuggling in the country. Brazil lost R\$ 4,5 billions in taxes” (Bom dia Brasil 2015). The same claim appears in *Jornal da Globo*, the news program broadcast by Globo Channel at the end of the day (*Jornal da Globo* 2015) as well as in several reports and articles.

Table 2. Comparison of seizures according to the Federal Revenue Service and the IDESF in 2014 (amounts, ranking, and resulting %) (IDESF 2015; Lichacovski 2015)

Products	RF—Foz do Iguaçu Seizures in \$USD	RF—Foz do Iguaçu Ranking of Seizures	IDESF TOP 10 ranking	Amount used for calculating % by IDESF	IDESF TOP 10 %
Cigarettes	64,963,991.00	1°	1°	64,963,991.00	67.44
Vehicles	20,758,643.00	2°			
Electronic devices	14,855,021.00	3°	2°	14,855,021.00	15.42
Other products	7,405,453.00	4°			
Computers and accessories	4,852,927.00	5°	3°	4,852,927.00	5.04
Clothes	2,921,005.00	6°	4°	2,921,005.00	3.03
Perfumes	2,359,588.00	7°	5°	2,359,588.00	2.45
Watches	1,957,027.00	8°	6°	1,957,027.00	2.03
Toys	1,820,297.00	9°	7°	1,820,297.00	1.89
Glasses	1,440,367.00	10°	8°	1,440,367.00	1.5
Medicines	819,278.00	11°	9°	819,278.00	0.85
Optical media (recorded)	582,701.00	12°			
Beverages and drinks	338,152.00	13°	10°	338,152.00	0.35
Optical media (blank)	193,852.00	14°			
TOTAL	125,268,302.00			96,327,653.00	100

The conversion of the percentage back again into a total amount of money inflated the figure used to calculate losses of industry and taxation. The total seizures by the Federal Revenue Service in 2014 was R\$1.8 billion and the seizure of cigarettes corresponded to R\$515,319,232.73—equivalent to 28.61% (RFB 2014: 7). If we recalculate the total amount using the percentage produced by IDESF (67.44% of R\$1.8 billion), we will have an amount of R\$1.2 billion. That amount was multiplied by an apparently “official multiplying factor,” which says that only between 5% and 10% of smuggled goods entering the country are seized.²⁴

Next, the report calculates what the industries could have profited by producing and selling the same number of cigarettes that correspond to that amount of money, and how much the government could have

earned with taxes. “Brazilian losses” are obtained from this kind of projection. However, at this point, we perceive that the aggregated numbers of losses are an assemblage of disparate sources, guesses, and manipulations. The limit between description and lobbying is blurred and the manipulation of numbers for imposing an agenda in the public debate becomes clear. As we have already seen, Souza Cruz (the British-American Tobacco subsidiary in Brazil) is a partner of IDESF; it is also associated with ABCF, ETCO, and FNCP. Philip-Morris is also associated with FNCP.

Even if the figure for cigarette smuggling is a flagrant distortion, the “R\$100 billion that Brazil lost with smuggling” that was reported in the first edition of the National Day to Combat Smuggling in Foz do Iguaçu and Brasília did not even appear in the IDESF report.²⁵

24. In the report, that estimation was credited to the Brazilian Prosecutor Service (“Foz do Iguaçu, 17/12/2014,” p.4). In fact, the quotation corresponds to declarations of Federal Prosecutor Alexandre Collares Barbosa to the media. The prosecutor presented that estimation in a Civil Action against the Union asking for more federal agents to control the region. In the action, the estimate is also quoted in an indirect speech “It is estimated that . . .” without qualifying the agent of estimation (MPF 2014: 6).

25. The regional director of the Federal Revenue Services, Luiz Bernardi, started to use that figure in 2005 when he declared that the damages to Brazilian economy produced by smuggling corresponded to R\$100 billion (Agência Brasil 2005). He repeated the same number in 2013 (Wurmeister 2013), but the media presented that data as an official number. Luiz Bernardi is the head of the 9th Region of the Federal Revenue Service since 2001. The 9th Region includes the estates of Santa Catarina and Parana, where Foz do Iguaçu is located.



It was a projection already taken for granted among the organizers of the Movement for the Defense of the Brazilian Licit Market,²⁶ a projection that was updated the following year—growing to R\$115 billion—with no other specification than the worsening of the problem.

The figure of “R\$100 billion lost with smuggling” corresponds to what Max Singer has called *mythical numbers*; numbers produced by guesstimating and made for exaggerating the scope and urgency of a portrayed problem. In the area of crime, he said, those numbers come to be “more mythical and have more vitality” (Singer 1971: 6).²⁷ Precisely, the difficulty of measuring unregistered markets and transactions opens the possibility for distortions and manipulations. As Peter Andreas affirmed, “illicitness makes possible a politics of numbers that is particularly susceptible to speculation, distortion, and sometimes even outright fabrication that is rarely questioned or challenged in policy debates and media reporting” (Andreas 2010: 23).

In Brazil, Mizukami and others called “magical numbers” those that were produced in the Brazilian enforcement context regarding the global value of the pirate market, the jobs lost to piracy, and the lost tax revenue (2011: 276–78). The “R\$100 billion lost with smuggling” is a direct derivation of these magical numbers. In the case of smuggling, the “politics of numbers”—to use Peter Andreas’s expression—was a particular development of antipiracy politics that has produced specific effects: the legitimization of corporate and industrial groups’ claims, a singular spatialization of the “illicit market,” and the criminalization of economic practices. I will explore these elements to conclude.

From piracy to smuggling: Spatializing problems, criminalizing practices

Since the constitution of the Movement for the Defense of the Brazilian Licit Market, smuggling has replaced piracy in the practice and rhetoric of institutions such as ETCO, FNCP, and ABCF. The strategy of a “national day to combat” was accompanied by the same practices of lobbying, training, and educational campaigns that characterized their work against piracy. As with piracy, the presumed connection with organized crime is a crucial aspect of the construction of the urgency of the campaign. According to their script, the conditions that encourage smuggling are high taxes and a difficult environment for business. Behind every intervention denouncing the increase of smuggling and its connection with organized crime, there is a demand for tax reductions.

The FNCP launched the most transparent campaign in this regard, *Imposto cresce, crime agradece* (loosely translated, “Taxes rise, crime obliges”). As the logo of the campaign states, “When taxes on cigarettes rise, smuggling carried out by organized crime—together with arms and drugs—also rises.” The campaign included television spots in which actors from Globo Television introduced “an interview” with a cigarette smuggler in what seems to be a slum house.²⁸ A blurred out figure with a distorted voice says “To us, when taxes on cigarettes rise, it is very good. It is very profitable. We thank the government. It is easier and better working with Paraguayan cigarettes than with arms and drugs.”²⁹

The campaign of the FNCP is coarse, as we saw in the “playful protest” presented at the beginning of this article, or in report produced by the IDESF about the

26. The accuracy and the magnitude of the number turn it into a doubtful figure. In his field guide to identifying dubious data, Joel Best warns about Big Round Numbers. In his description, “Big round numbers make big impressions. They seem shocking: ‘I had no idea things were that bad!’ They are easy to remember. They are also one of the surest signs that somebody is guessing” (Best 2013: 30).

27. Singer’s classical text analyzed the exaggerated number of property theft by heroin addicts in New York, derived from the hyperinflated number of addicted people in the city. Thirteen years later, in “The (continued) vitality of mythical numbers,” Peter Reuter resumed Singer’s analysis of mythical numbers regarding the drug market (Reuter 1984).

28. While the smuggler talks, the legend on the screen says, “Interview with a cigarette smuggler by Adriana Bittar (15/04/2016).” The “interview” is part of a “documentary” presented by Adriana Bittar in a slum—“like any slum of any Brazilian city”—where she interviewed a bartender that sells cigarettes from Paraguay and the smuggler already mentioned (FNCP 2016). The last minute of the film shows scenes of armed robberies, confrontations, kidnappings, and armed displays of force in slums. Bittar’s voice narrates: “Cigarette smuggling is directly connected with organized crime and violence.” Her final words are revealing: “Taxes, organized crime, smuggling. That is a heavy load. . . . It is not possible for Brazil to carry it anymore.”

29. See <http://www.fnep.org.br/impotocrescecrimeagradece/>.



amount of cigarette smuggling. A similar conclusion was reached in the analysis of the antipiracy campaigns in Brazil.³⁰

Studying anti-piracy public awareness campaigns in Brazil is a dismal exercise. Demagoguery and scare tactics are the norm, often to a degree that reads as comedy rather than instruction. All are localizations of templates developed at the international level, and all hit the same simple messages: “you wouldn’t steal a car”; “kidnapping, guns, drugs . . . the money that circulates in piracy is the same money that circulates in the world of crime”; “tomorrow I will sell drugs in my school because of that DVD”; and “thank you ma’am, for helping us to buy weapons!” are typical. (Three of the four quotes come from recent spots produced by the UBV, the organization of Brazilian film distributors, which has developed a particular specialization in the genre. The spots run on TV, in theatres, and in DVD preview materials.) (Mizukami et al. 2011: 288)

Comparison with antipiracy politics is grounded on the notion that we are talking of the same actors, and elaborating the same strategies and arguments that they previously deployed. The introductory words of Joe Karaganis in the Social Science Research Council research on *Media piracy in emerging economies* (where the Brazilian analysis was carried out) are relevant:

What we know about media piracy usually begins, and often ends, with industry-sponsored research. There is good reason for this. US software, film, and music industry associations have funded extensive research efforts on global piracy over the past two decades and, for the most part, have had the topic to themselves. Despite its ubiquity, piracy has been fallow terrain for independent research. With the partial exception of file sharing studies in the last ten years, empirical work has been infrequent and narrow in scope. The community of interest has been small—so much so that, when we began planning this project in 2006, a substantial part of it was enlisted in our work.

That community has grown, but there is still nothing on a scale comparable to the global, comparative, persistent attention of the industry groups. And perhaps more important, there is nothing comparable to the tight integration of industry research with lobbying and media campaigns, which amplify its presence in public and policy discussions. (Karaganis 2011: 1)

30. For a detailed analysis of a campaign against piracy launched in 2009 by the FNCP, see Dent (2012).

A judgment that dismissed the application for the prohibition of the “Taxes rise, crime obliges” campaign television spots provides the clearest demonstration of the interests represented by organizations like ETCO, FNCP, and ABCF. The campaign was denounced by antitobacco activists as a way of reintroducing cigarettes into publicity spots. An action against the campaign was presented at CONAR (National Council of Advertisement Self-Regulation) but the judgment—unanimously—considered that it was not an apology for tobacco but a campaign of a productive sector against taxation, something that it is not against the Brazilian Self-Regulating Advertising Code. The vote of the counselor André Luiz Costa is revealing:

The film does not advertise cigarettes. Although increasingly combated but legally established, the tobacco industry produces a free drug whose trade is regulated. This industry, to avoid losing even more ground with tax increases, uses advertising time and free expression to avoid changes in the tax burden of its sector, something that is legal. That’s what is portrayed in the movies. While not doing cigarette advertising, the tobacco industry is free to manifest itself as productive sector. (CONAR 2016)

As the counselor explicitly states, it is the Tobacco industry that is talking through the FNCP campaign, defending its interests: to reduce the tax pressure of the state.

After more than a decade crusading against piracy, smuggling has become the new privileged problem in the battles over taxes and property claims implemented by corporations and industrial groups in Brazil. Piracy, counterfeiting, and informality are still important, but at present they orbit smuggling. Perhaps this new emphasis on smuggling is related to particular conjunctures: the government transition of 2014, the economic crisis in Brazil, and the destitution of the elected president in 2016.³¹ However, this emphasis allows us to

31. On July 28, the president of ETCO Evandro Guimares visited former Vice President Michel Temer, who occupied Dilma Rousseff’s position, to register the commitment and receptivity that the new government team has to their suggestions and the careful attention they are paying to problem. In his words, the Temer government team “has shown, in two and a half months, a willingness to listen to the affected companies and a determination that the competent body act to create barriers to smuggling” (Planalto 2016).



follow the heightened commitment to the “licit market” that legitimizes a moralizing discourse and a criminalizing strategy by corporate actors; that is, discourse and strategy that help consolidate the proliferation of new markets for law enforcement. The border becomes a privileged scenario for the emplacement of the markets for law enforcement through the proliferation of vehicles, radars, arms, drones and all the technologies for control and surveillance.

Smuggling presupposes the border and the border is a perfect scenario in the battle for the “licit market.” In a long-term perspective, seizures have been on the rise at the Brazilian borders. The tightening of controls was part of a general policy of integration of the economic space of Southern Common Market (Mercosur)—the regional trade agreement between Brazil, Argentina, Uruguay, and Paraguay—since the 1990s. During the first decade of the twenty-first century, São Paulo gradually replaced Ciudad del Este (Paraguay) as the port of entry of imported products for the Brazilian market (Silva 2014). This was further matched by a policy of repression at the borders and on the roads (Rabossi 2004; Pinheiro-Machado 2010).

The border had been already politicized in Brazil and abroad (Heyman 1995, 2004; Andreas 2009), long before it was highlighted by the anti-smuggling campaign. In the last decade, discussions on urban insecurity—especially during elections—started to single out Brazilian open borders as responsible for the arms and drugs that funnel into major Brazilian cities. Echoing the debates of the presidential campaign of 2010 that put the border as a threat to internal security, Dilma Rousseff’s government inaugurated the Strategic Plan for Borders in 2011, which included the creation of the National Strategy of Public Security at the Border (Ministry of Justice) and the organization of operations mobilizing the Armed Forces (Agata Operations) and the Federal Police (Sentinela Operations). In 2014, the border returned to the fore with the pending elections. There seems to be a paradox between the growing control of the border in the long run and the accusation of uncontrolled borders.³² The creation of the

32. However, demands for control can go hand by hand with tightening controls. As Andreas has shown in *Border games: Policing the U.S.-Mexico divide*, the growth of control and law enforcement at the border can further the escalation of risk and profits, of flows, and of demands for more law enforcement (Andreas 2009).

IDESF signals a change for both the traditional anti-piracy and counterfeiting agenda and for the border research and policy agenda. As a representative of the Brazilian Association for Combating Counterfeiting (ABCF), its president was part of the traditional strategies. However, IDESF started to further its own agenda, where knowledge of the border was becoming increasingly important. As he spoke about the elaboration of the data *The cost of smuggling* presented, EGOPE³³ director and economist Adriano Strassburger said,

In the first discussion we had with Luciano [Stremel Barros], president of IDESF, we tried to show him that there is no use in just showing a problem, presenting a difficult situation, often a bad one. . . . So, to the extent that one wants to know, it is necessary to look for data.

As we have already seen in the analysis of that research, looking for data does not mean that it will qualify as consistent or robust. At any rate, preoccupation with the production of data on the border could trace a different path. Three seminars were organized by IDESF in October 2014, 2015, and 2016—called *Seminário Fontes do Brasil*—and several publications followed *The cost of smuggling* report: *Security operations in border areas* (2015b), *Characteristics of border societies* (2016a), and *Crime routes: The crossroads of smuggling* (2016b). The data used is different, and extensively employs secondary data. In 2016, together with the Association of Graduates of the Advanced School of War of Foz do Iguaçu and the ESIC-Business & Marketing School,³⁴ the IDESF initiated a postgraduate course in Management of Political Science, Strategy, and Planning, with an emphasis on borders. This new stance goes together with the traditional notion of advocating for the products of the companies that support the institute, like the main Brazilian tobacco company.

Once inscribed in the political agenda, borders have become a new governmental frontier that guarantee an infinite field of interventions and designs, where security and control businesses can flourish without restrictions. The militarization of the border is one of the outcomes of this transformation, which came together with the proliferation of products, technologies, and procedures (Andreas 2009; Heyman and Campbell 2012).

33. EGOPE was a partner of IDESF in that research.

34. ESIC is promoted as the first business school of Spain. It now has several international programs.



Brazilian border policy is gradually moving in that direction.

The recent emphasis on smuggling undertaken by the actors portrayed in this article, managed to naturalize a view of the border that criminalizes certain actors and circuits but not others. Outside remains other points of entry that have an important place in the map of flows of products that came from abroad. For example, the luxury circuits of high and middle classes through which large quantities of merchandise are introduced by regular airports, and the markets of consumption for all these products, are completely absent from the portrait of smuggling that has become naturalize in the media.

The possibility of defining the reality of smuggling in so little time, efficiently naturalized, was related to a very particular conjuncture. The manipulation of data that captured the attention of the media worked because the scenario for its enunciation was already prepared to have the effect that it achieved. The gradual presentation of that reality and the repeated proposals for tackling it—reduction of taxes—underlines the lobbying strategy implemented by those actors. If the conditions were conjectural, the consequences are enduring: the tightening criminalization of certain practices, the circumscription of problems to certain spaces (borders and slums) and the naturalization of corporate claims as public interest.

“If men define situations as real, they are real in their consequences,” wrote William Thomas and Dorothy Swaine Thomas (1928: 572). What became one of the most quoted sociological statements—at least among sociologists—condenses William Thomas’s concept of definition of the situation as central to human action: the real is not something given outside a definition and, once defined in a certain way, it produces real effects in the world.³⁵ Thomas’s classical formulation helps us to advance an agenda on the “real economy”: Who defines what? With what means do they do so? For what reasons? Which consequences do these definitions produce? The power to define something as real and the knowledge and techniques used to do so are crucial to understand the world that we live in.

35. For a discussion of the “Thomas Theorem”—as it was named by Robert Merton—and the ways it was quoted and used in sociology, see Merton (1995).

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