

The economic theory of crime: the history and presence of criminal thought in economic science and its gaps

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Summary. Criminality in economics can be considered as a historically recent topic of research. It starts to gain notoriety from the Economic Theory of Crime, developed by Gary Becker, in the late 60s and to the present day drug trafficking is a persistent concern among all nations on the globe. Given the importance of the topic, this research note aims to unravel the origins of the Economic Theory of Crime, as well as to assess its compatibility with the phenomenon today. Preliminary results show that the orthodox economic perspective is insufficient in explaining the dynamics of drug trafficking, since the actors involved in the phenomenon can be influenced by political and socioeconomic issues, not just the rational decision of individuals.

Keywords: Economic Theory; drug trafficking; criminality; economic development; political economy

JEL codes: B00, B41

[es] La Teoría Económica del Delito: historia y presencia del pensamiento criminal en la ciencia económica y sus vacíos

Resumen. La criminalidad es un tema de investigación históricamente reciente en la economía. Comienza a ganar notoriedad a partir de la Teoría Económica del Delito, desarrollada por Gary Becker a finales de los años 60 y hasta el día de hoy el narcotráfico es una preocupación persistente entre todas las naciones del globo. Dada la importancia del tema, esta nota de investigación pretende desentrañar los orígenes de la Teoría Económica del Delito, así como evaluar su relevancia para el fenómeno actual. Los resultados preliminares muestran que la perspectiva económica ortodoxa es insuficiente para explicar la dinámica del narcotráfico, ya que los actores involucrados en el fenómeno pueden verse influidos por cuestiones políticas y socioeconómicas, no solo por decisiones racionales.

Palabras clave: Teoría Económica; narcotráfico; criminalidad; desarrollo económico; economía política

Códigos JEL: B00, B41

[pt] A Teoria Econômica do Crime: a história e a presença do pensamento criminoso na ciência econômica e suas lacunas

Abstrato. O crime é um tema de pesquisa historicamente recente em economia. Começa a ganhar notoriedade a partir da Teoria Econômica do Crime, desenvolvida por Gary Becker no final dos anos 60 e até hoje o tráfico de drogas é uma preocupação persistente entre todas as nações do globo. Dada a importância do tema, esta nota de investigação visa desvendar as origens da Teoria Econômica do Crime, bem como avaliar a sua pertinência para o fenômeno atual. Os resultados preliminares mostram que a perspectiva econômica ortodoxa é insuficiente para explicar a dinâmica do narcotráfico, uma vez que os atores envolvidos no fenômeno podem ser influenciados por questões políticas e socioeconômicas, não apenas por decisões racionais.

Palavras-chave: Teoria Econômica; narcotráfico; crime; desenvolvimento econômico; economia política

Códigos JEL: B00, B41

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1. Introduction

“Some have said that we are more like our times than our parents. This idea, when properly unfolded, allows an approach to a problem –the historical-material determinations of knowledge.” (Paula, 2005, p.4). There is a universe of discoveries in constant improvement, capable of disconcerting many scholars and methods over time. It means that the development of science is a mirror of the transformations inherent in everyday reality and the process of historical development in different societies.

There is also a perspective, related to the concept of Newtonian mechanics, in which the universe is composed of particles that do not undergo mutations, but move, therefore, the phenomena can be reversible and universal laws can be applied. Then, there was a moment in history, when the trajectory of the classical school changes course and, based on the concern to make economics a science like this, with universal laws that, based on human behavior, could capture the economic aspects. It is not specifically about the neoclassical school because we are not dealing with philosophical aspects either, but the perception of economic orthodoxy that addresses several markets present in the system, including illicit markets that are now analyzed as an industry, from the Economic Theory of Crime.

Containing crime is a very persistent objective among the nations of the globe. However, it was not an open topic in discussions between great classical authors of economic science. This fact is due to the recent notoriety of the phenomenon that reached a globalized dimension between the 1960s and 1970s, when the first economic contributions to the theme appear. Following this perspective, Gary Becker structures his Theory the Economic Theory of Crime anchored in the mathematical model and hypotheses rescued from the orthodox school, to replace all previous theories of crime.

Commercial relationships between illicit drugs are called drug trafficking. This, in turn, assumes a transnational character, causing strong externalities between the nations involved. It is up to States to implement specific policies to minimize and contain the effects of drug trafficking. “That is to say, the deterioration of the economic and social condition of part of the population, the growing marginalization of social segments in the development process, the intense growth of urban centers, all this is linked to drugs and high crime rates.” (Procópio Filho and Vaz, 1997, p. 76). “In the 1960s, about 2,000 tons of synthetic and semi-synthetic opiates, sedatives, barbiturates, non-barbiturate hypnotics and tranquilizers were already being used in the US – twelve times more drugs (not including alcohol) than ever before in China.” (Silva, 2013, p. 111). Cocaine entered the American scene massively from the 1980s onwards.

The hypotheses adopted in the Economic Theory of Crime are the result of an old debate that is confused with the evolution of economic thinking, since Adam Smith. While the discussion about criminality is closely related to the very definition of the human being, which has undergone several transformations in science in

several areas of study. Thus, to explain the unfolding of criminal thinking in economic science, the main works of authors that address the topic will be used, as well as scientific articles related to criminal behavior and economic theory, in addition to reports and reports to explore data related to drug trafficking. When exploring the great schools of economic thought, the comparative and historical method will be adopted to explain how economic science has approached such questions throughout history.

Through the notes presented here, the following problem prevails to be answered: Is the Economic Theory of Crime compatible with the current reality? In order to answer the present question, this research aims to show the history of criminology as well as the introduction of this theme to economic science, explain the origins of neoclassical hypotheses in order to understand the Economic Theory of Crime and its possible limitations. Following the hypothesis that drug trafficking is essentially influenced by social, historical and economic aspects, particular to each region.

To achieve the purposes of the research, the work will be divided into three parts: Initially, a brief description of the development of the concept of criminology in science will be carried out, after, the Economic Theory of Crime is analyzed and, therefore, the main alternative is exposed. to this school of thought, known as Marxist Theory.

2. The History of Criminal Thought: The Birth of the Study in Criminology

Criminology is a human and social science that emerged from the mid-eighteenth century to study all the elements and actors of criminal action as well as explain the reasons that condition people to follow the path of illegality. It does not follow a single methodology, being thus composed of a multiplicity of perspectives in this area of knowledge. The first schools of thought are: Classical, Positivist, Correctionalist and Marxist -which later served as a reference to neoclassical studies.

The Classical School is the first sociological school of crime. It brings together a series of theories of Italian Enlightenment influence. According to this aspect, the criminal individual acts consciously and voluntarily, the human being is considered rational and free. This school was supported by Rousseau’s philosophy, which says that men give up part of their freedom in favor of a kind of social contract that dictates the proper rules of relations in society. Thus, the penalty is posited as a way of establishing order in society. It was a fundamental school of law in defending individual liberties against state absolutism and torture. Among the great authors, there is the marquis of Beccaria, author of the book *Dei delitti e delle pene*, published in 1763, where he opens up a criticism of the current penal system, which until then carried out secret trials, providing opportunities for the practice of torture and punishment.

The second sociological school of crime is called the Positivist School. It appears after the Revolution of

1789, a period marked by the rise of the bourgeoisie and the fundamental sciences. Thus, positivism is supported by other areas of knowledge such as biology, statistics, psychology, psychiatry and anthropology, when analyzing criminal behavior from endogenous and exogenous elements. One of the great theorists of this school is the psychiatrist Cesare Lombroso who, in his book *L'Uomo delinquente* (1875) highlights the concept of the born criminal based on his observation of the physical and social profile of offenders. Later, other authors followed this trend, such as Enrico Ferri and Raffaele Garofalo. In summary, in the Positivist School, a special emphasis is given to the criminal individual, who commits the crime in an abnormal situation, since the normal situation is considered one in which individuals are in full condition to live in society. Both the Positivist and the Classical views were predominant in the 19th century.

Considered as a third strand of thought in criminology, there is the correctionalist view. This theory brought the pedagogical aspect in criminal interpretation. The criminal is seen as a being incapable of taking responsibility for his actions, as a kind of inferior being. Hence the need for State intervention which, in turn, is interpreted as pedagogical and pious. As Souza (2012) recalls, this view is not prevalent in Brazil, but it recalls the legislation that addresses young offenders.

One of the aspects that is closest to the economic discussion is the Marxist view, from which Critical Criminology emerges. Immediately, Karl Marx interprets the State as an institution committed to the ruling class. Therefore, equality in terms exposed by Marx does not mean equal rights nor the prohibition of any personal possession, it is induced from the dismantling of social classes which therefore generates equal socioeconomic conditions. In the words of Potyara A.P. Pereira:

For Marx, the private property that should be suppressed is that of the means of production, leaving people free to preserve their differences and maintain and/or cultivate habits and values that best correspond to the stimuli and material income of a collectivity that prioritizes satisfaction. of social needs. (Pereira, 2013, p. 4).

The scientific development in the most diverse areas implied in several ramifications and aggregation of other theories to criminology. "It was through the political and economic theories of crime that the social and institutional causes that caused it began to be analyzed." (Paula, 2011, p. 28). Thus, in the 20th century, under the influence of scientific criminology, the neo-Marxist current developed. This current of thought has as its main author the American sociologist Richard Quinney (1979). It is a vision that does not analyze individual choices only, but the economic and social context that induces the choices. Crime is seen as a social problem arising from the development of capitalist production, because at the same time that capitalism is capable of promoting scientific development, it also has contradictions (high concentration of income, poverty, unemployment, among other system failures). From this conception, there is a need for the State to act in favor of rein-

tegration and guarantee of opportunities for all citizens. In summary, the neo-Marxists rescue the historical and social analysis of the criminal theme.

In Economic Science, the greatest notoriety to the subject occurred from the Theory of Rational Choices, also recognized as "Economic Theory of Crime", developed by Gary Becker, based mainly on the hypotheses present in economic orthodoxy.

3. The Economic Theory of Crime by Gary Becker

The great landmark of the Economic Theory of Crime is found in the work of the American economist Gary Stanley Becker, "Crime and punishment: an economic approach", article published in 1968. The purpose of the work is to approach criminology from an orthodox economic perspective, which may replace other criminalistic theories. Since crime is an economically important activity, like any industry.

Becker was an American economist, studied Economic Sciences at Princeton University (1951). From his third year of graduation, he reconciled his studies with the work of assistant professor, in Chicago, where he became a doctor with his thesis in economics of discrimination, presented in 1955. He left the University of Chicago for approximately 11 years, to teach at Columbia University –between 1957 and 1968, sharing his dedication with his research at the National Bureau of Economic Research, in the areas of human behavior, crime, punishment, time allocation and human capital (being one of the pioneer economists in this area). In the late 1950s, he returned to the University of Chicago, where he taught in the department of economics and sociology.

Gary Becker's reasoning on crime and punishment starts from the observation of the transformation of the functions of the State, which, from the 19th century onwards, is no longer responsible only for the protection of the person and property and is also responsible for measures in favor of the ideal functioning of economic activities that are eventually directed to free market mediations. Although these activities are of the most varied forms, there are coefficients in common in all legislation since there are public and private expenditures carried out to contain crimes and arrest criminals.

From this, Becker seeks to answer which factors condition the amount of a penalty, the type of punishment and the number of resources spent until a punishment is carried out, performing an analysis in the search for a balance between public spending and crime prevention policies.

The author assembles a model explaining the optimal conditions and the possible transformations in behavioral relationships based on the variables addressed to finally assess the punishments, public and private expenditures. Basic analysis works with the cost of crime. The word crime is used not only for those against person and property, but also covers any violation, such as white-collar crime or drug trafficking.

The starting point of the analysis is the data from the table of the Report of the Commission of the President,

of the United States, published in the year 1965, exposing some estimates of expenditures made in favor of security in that year - Crimes against the person, crime

against property, illegal goods and services. In addition to public and private spending on security and fighting crime.

Table 1. The Economic Cost of Crime by Gary Backer

Type of Crime	Cost (in millions of dollars)
crimes against the person	815
Crimes against property	3,932
Illegal services and goods	8,075
other crimes	2,036
Public spending on police, prosecutors, and courts	3,178
Punishments	1,034
Some private crime-fighting costs	1,910
Total	20,980

Source: President'd Commission (1967, p. 44) apud Becker (1968, p. 3). Adapted.

Becker's initial notes indicate that, in the year 1965 alone, in the United States, the amount of expenditures on crime recorded reached almost 21 million dollars, which represents 4% of the income of the United States in that year. Since this is a table with summarized statistics, it is strongly believed that crime has increased in the 30 years prior to the publication of this data, as has the increase in taxes. This statement is also justified by the increase in liquidity that has occurred since the early 1930s, in addition to the fact that there are undiscovered crimes that, for this very reason, cannot be computed. Financial liquidity is one of the factors that influence crime since physical money can circulate without leaving a trace, helping money laundering. And, considering that not all police efforts result in convictions, it is important to invest in technology (whether in alarms or lie detectors) for the reduction of wages to be carried out, which for the author is important, since almost 90% of the expenses illustrated in the table above are payroll-related expenses. Thus, the reason why crime deserves expressive importance, like any industry.

The mathematical model is developed to highlight the behavioral relationships behind the costs caused by crimes committed by individuals and then determine the best actions to be taken for the optimal functioning of society. In this sense, costs are divided into five categories: Offenses and cost of crimes (number of crimes, in the model represented by the letter "O"); Number of crimes and penalties applied; Number of offenses, arrests, apprehensions, convictions and public spending on police and courts; Number of convictions and cost of these punishments; Number of offenses and private spending on security.

Damage is conceptualized as a crime where there is a transfer of wealth without causing a social cost, as in the case of theft. Burglars' earnings (represented by "G") also increase with the level of activity and are subject to the theory of diminishing returns so that when crime increases, from a certain level the gain acquired by criminal act decreases. According to the following relationship.

Thus, the net cost or damage to society is obtained through the difference between the general damages in

each activity "i" and the criminals' gains. As in the following difference: $D(O) = H(O) - G(O)$.

And, when committing a crime, criminals are subject to decreasing marginal gains while doing increasing marginal harm: $G'' < 0, H'' > 0$.

Regarding the variable "cost of apprehension and conviction", the greater the expenditure on police, courts and crime-fighting equipment, the greater the chances of unraveling crimes and convicting criminals, simply: $A = f(m, r, c)$ and. Where f is summarizing the number of activities of the state apparatus to combat crime, variable "p" represents the number of crimes determined by the number of convictions. Therefore, to increase "p" it is necessary to maximize spending on prisons and may also increase the period of the sentence. The supply of crimes (O) at time j is portrayed from a relationship between the crime, the probability of conviction (p), the punishment of the convicted criminal (f) and other causes (u): $O_j = O_j(p_j, f_j, u_j)$.

As mentioned by Gary Becker, people become criminals because the costs and benefits of their actions are unique to everyone. An increase in the variable p_j or f_j would induce a reduction in the expected utility of committing an infraction. So: and,

There is a diversity of punishments adopted throughout humanity, however, the most recurrent punishment until then were fines, mainly for reasons of simplification and for not consuming social resources. The cost of a punishment is measured through the sum of lost earnings, expenses related to the loss of freedom and consumption of the detained offender, such as expenses with penitentiary agents or food. There are several factors that can induce an increase in the variable u_i , from an increase in investments in education to an increase in fines or the transformation of penalties to a more severe form. It is from p_j or f_j that public policies can act in relation to crime. Costs and gains are compounded according to the type of punishment. Thus, there is a function that expresses the cost to society, taken as a transformation coefficient, illustrated as follows: $f' = bf$, where f represents the cost to the criminal, f' is the cost to society and b will depend on the type of punishment, which may take the form of fines (in this case: b 0) or

imprisonment ($b > 1$) and other types of punishment (in this case, $b > 1$).

Under optimal conditions, the model suggests that it is impossible to reach zero level of crime because this would involve infinite investments by the public sector. On the other hand, the situation where there are no expenditures by the state on police and judiciary is completely unacceptable since it would cause an absurdly high level of crime. Therefore, the optimal level is that point, between the two extremes where the cost of society's well-being is minimal compared to a low level of damage caused by society. It is as if there were two opposing forces: one in favor of reducing crime and the other representing cost reduction. Following this logic, the function L enters the scene representing the loss to society, so that D , C and b are minimized, thus the following relation is born: $L = L(D, C, bf, O)$.

In summary, Becker's analysis means that committing a crime is part of an individual decision influenced by risk aversion. The author expresses that crime is like any industry that has its growth linked to market conditions. What drives an individual to commit a crime is related to rational choices. Choices are conditioned by return expectations, which means that the crime will be committed if the expected utility of the criminal activity is greater than the expected utility of any other legal activity. A person becomes a criminal based on his costs and benefits. And not of a collective conjuncture.

The Theory of Rational Choices developed by Becker contributes to the estimates worked by public managers, however it is not a consensual analysis in economic science, which is why, over time, other theories describe the phenomenon through other conceptions. In this Research, we will bring the Marxist Theory as the main alternative exposed to the Economic Theory of Crime.

4. The Marxist Vision in Current Times

The studies related to the causes of criminality were directed in two different directions: one that relates criminality to individual motivations -which would be closer to the theory of rational choices and, a second aspect that relates the social context to criminal activity.

Criminology has expanded over the last century and Marx's ideas have been adapted to this modern phenomenon, a movement known by some authors as Neo-Marxism. The starting point of the Marxist analysis on this topic is to consider crime because of class society. In *The Situation of the Working Class in England* (1892), Engels argues that factory expansion can lead to the super-exploitation of English workers and, consequently, to criminal and individual action through the destruction of machines, as an inevitable process. Therefore, it is a singular action to the oppression. In Engels' words:

The contempt for the social order is most clearly manifested at its highest point, crime. If the causes that make the worker immoral are exercised more penetratingly, more intensely than usual, he becomes a criminal, as surely as water heated to 100°C turns

from a liquid to a gaseous state. Under the brutal and stultifying action of the bourgeoisie, the worker is transformed into a thing as destitute of will as water; he finds himself subject to the laws of nature with the same infallibility—for him all freedom ceases at a given moment. That is why in England criminality increased in parallel with the development of the proletariat. (Engels, 1845, p. 173)

The Marxist current asserts that property crime increases while violent crimes decrease with the progress of civilization. In this sense, by eliminating class inequalities, eliminating the antithesis between individual and society from a communist society, it would be possible to extinguish criminality, understanding that crime would tend to disappear when the "sources" of human selfishness were abolished. Thus, neo-Marxists update the idea to current phenomena.

One of the names most mentioned in the neo-Marxist movement is the American sociologist Richard Quinney. In his approach, a relationship between public debt and crime is made. States, to guarantee their legitimacy, invest in public security. However, the increase in crime comes from the very contradictions of capitalism which, while promoting scientific development, also causes social inequality. It is as if we were going in circles, since the extinction of criminal activity becomes an unattainable objective, considering crime as a product of capitalism.

In the neo-Marxist view, the rise of neoliberalism from the 1970s onwards had serious consequences for developing countries. This is due to the directions of the neoliberal model that involves large privatizations and with them a high number of layoffs in the public and private sectors - in Brazil, the phenomenon occurred from the 80's. The large number of unemployment led many workers to the informal sector, a phenomenon that can cause psychosocial disorder. In the words of Santos and Marin:

According to the basic assumptions of Neo-Marxist Theory, most people, at the mercy of adverse economic events, are often impelled by the forces of circumstances to adopt criminal behavior. That is, they do not make a reasoned choice from the available options – they simply act. (Santos and Marin, 2011, p. 5)

Thus, by ignoring the causes related to rational choices and the figure of *homo economicus*, the neo-Marxist school opposes the basic precepts of the economic theory of crime. Human beings are rational; however, they are also endowed with emotions, history, and social context, capable of inducing decisions in the present moment.

5. Final Considerations

The Economic Theory of Crime brought to light the importance of debating illicit activity in economic science, in addition to facilitating estimates regarding the costs

that crime involves to the public and private sector. Even so, it is important to point out some criticisms, many related to the problem of simplification of the theme, which involves many regional specificities capable of highlighting some conclusions of the model developed by Gary Becker.

The illegal drug market has particularities, among them, the non-regulation by the State, which means that there are no laws of obedience in relation to any kind of labor standards or quality control.

Many authors adopt the metaphor of the hourglass lying down to illustrate the international trafficking of cocaine: On one extreme side, there are the various groups responsible for the coca plantation; At the other end of the spectrum are small drug dealers vying for retail territories; While at the center are the cartels – unlike the other sectors located at the ends, it is not competitive, presents itself in the form of oligopoly, has military and institutional power, and can act in parallel with the State in order to control prices and articulate distribution networks.

In the entire Andean region, there are peasants who are economically dependent on coca cultivation for their own livelihood, because of which they are coerced by the cartels – also responsible for the manufacture and distribution of cocaine – to maintain themselves in the production of illicit coca. At the other end of the link, there are several small dealers, present all over the world, responsible for selling to the final consumer. The singularities evident in the analysis of the geopolitics of trafficking make us believe that there are economic, cultural, social, and psychological factors that influence the individual decisions of citizens. In Brazil, unlike the reality of coca-producing countries, there are studies that show that many favela residents engage in crime out of familiarity, status, and for a variety of reasons that are not limited to cost relationships.

Even so, from the 1970s onwards, the Theory of Rational Choice has been criticized by political scientists who deny some guidelines adopted by economic orthodoxy, especially in relation to the generalization of the individual as selfish and rational, *homo economicus*. This concept began to be debated by scientists who defend that human beings can also act through emotional mechanisms - instincts and emotions are part of human

actions, remembering that an individual who is constituted only by rationality suffers from a pathology as he constantly searches for an abstract reality. A human being is capable of feeling influenced by a feeling of anger, revenge, in addition to having religion, beliefs, different levels of education, each one's life experience, without ceasing to be classified as rational. The existence of the criminal is not an isolated fact. The offending individual lives in society and can be responsible for generating income not only for himself, but also for a particular family group in which he may be inserted, and this family disruption can lead to problems for future generations. In addition to there are issues related to the prison system, a very relevant problem in Brazil, especially in the 1990s.

Since the beginning of the 20th century, the orthodox view is considered as predominant, however, nowadays we still live with the intense presence of drug trafficking. The seizures did not exterminate the illicit action that moves a high level of capital to the point of reinventing itself after each moment of repression. This indicates that the increase in apprehensions does not culminate in minimizing the supply of crimes, while the “balloon effect” continues to occur throughout the Andean region – as a reality not mentioned by the Economic Theory of Crime. An effective strategy is still needed to eradicate the structural causes of the problem, which may be linked to social exclusion and poverty. Factors that act as an impasse to economic development. In this sense, the role of the State becomes decisive.

We can conclude that the Marxist view assumes an important position in criminal analysis by accepting the contradictions of the capitalist system as one of the foundations of criminality. However, it is important to point out that this is not the only source to explain the subject, given the complexity of the human mind itself, in addition to the globalized dynamics of the most lucrative market in the world. Drug trafficking is a highly complex structure, not explained only by the conflict of individual interests. There is the fact that cartels act in a similar way to a transnational company. Many transactions would not be possible without the intermediation of the banking system and corruption in various institutions. Therefore, also sharing the Marxist view, drug trafficking acts as a product of the capitalist structure.

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