Order and Crime: Criminal Groups´ Political Legitimacy in Michoacán and Sicily

Pena Gonzalez, R.

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Introduction

According to Eric Hobsbawm, the social bandit career is "[…] the best way to enter the complicated subject of 'social banditry'" (2000, 1). His argument is that a bandits' story is not exclusively about an individuals' life, but sheds light on the social interactions in which illegality and its social acceptance, or rejection, take place. Highlighting the key elements of that relationship requires an understanding of political legitimacy. A case in point is Sicilian-born Tommaso Buscetta, a former mafia figure who died of cancer in April of 2000 in New York. He had been living in the United States under the witness protection program after becoming the first *pentito* (repentant) and confessing multiple mafia secrets. His confession revealed relevant information about Cosa Nostra´s functioning and served to launch the biggest trial against the mafia in Italy. Buscetta revealed a number of secrets that shocked the public because of the extent of the mafia's influence, exposing in detail the inner workings of a political economy linking criminal elements to ostensibly independent government institutions, and democratically elected leaders. Not long before he died, he explained to journalists: "It is not the Cosa Nostra that contacts the politician; instead a member of the Cosa Nostra says: that president is mine (*è cosa mia*), and if you need a favor, you must go through me. In other words, the Cosa Nostra figure maintains a sort of monopoly on that politician […] one goes to that candidate and says, '*Onorevole*, I can do this and that for you now, and we hope that when you are elected you will remember us'. The candidate wins and he has to pay something back" (Buscetta quoted in della Porta and Vannucci, 1999, 21).

A decade after Buscetta´s death, the appearance of a "new Saint" in the southwestern state of Michoacán, in Mexico, surprised the local press. The installation of shrines with *San Nazario* statuettes honored the memory of Nazario Moreno González, former leader of the local criminal group, La Familia Michoacana, who was declared killed by Mexican federal police in December of 2010. Nazario's cult was developed after that date, even when almost four years later, in March of 2014, the government confirmed that (this time for sure) Nazario had been killed by federal forces. However, now it was not only shrines, but "bibles" as well, as a Mexican newspaper called them (Staff Reforma, 2012), that spread across the region. A memoire-like narrative of Nazario's entitled "*Me dicen: 'el más loco'*" (They Call Me: 'the Maddest One') was freely distributed containing the experiences of the local group leader together with a collection of justifications and explanations on the decisions he made as an individual and as a group leader. "Some will think that I do this book to justify my actions and present myself as a little angel," he said in the opening. But his real motivation, he said, was the "Need to explain to the Mexican people the truth about my behavior, since this has been altered maliciously by the government."

Southwestern México may seem a long way from the corridors of power, and Michoacán is, in fact, a great distance from New York and Italy. But cases like Buscetta and Nazario, point

to a political legitimacy discussion, and reveal similar things about both contexts' political economies, and the bare mechanics of power. Both cases share the overlap of legal and illegal actors and institutions, and expose the intricacies of how money, power, and cultural iconography have been used to establish legitimacy. In expressing their 'truths' in their own voices, Buscetta and Nazario's first-person narratives reveal the values and logics informing the quest for political legitimacy of two criminal groups. Hobsbawm's introduction to *Bandits* opens with a local student´s narration of Weldegabriel, a sort of Eritrean Robin Hood who led rebellious activities in banditry to give the Eritrean people advantages against the Italian colonists. According to Hobsbawm, Weldegabriel's reputation as a heroic figure and local savior led people across Eritrean society to attend his funeral and sing songs in his honor. Often in society, crime is viewed negatively, and those who engage in crime tend to eschew their activity and maintain a low public profile. But sometimes, certain kinds of crimes, combined with the persuasiveness or eloquence of certain figures, can expose ruptures in the social fabric, and lead people to question the legitimacy of institutions, and to find valiance in criminals looking for making crime legitimate.

Research Context

This research falls within the research group and project "From Disorder to Order: Conflict and the Resources of Legitimacy," financed by the Political Legitimacy profile area of Leiden University.[1] Led and supervised by Prof. Dr. Isabelle Duyvesteyn and Dr. José Carlos G. Aguiar, the project researches contexts of disorder or crisis, in which counter-state actors gain legitimacy. The project conceptualizes "rebels," such as extremist groups, terrorists, militias, and guerrillas in terms of their popular legitimacy, seeking to understand how and when these types of groups, figures, and institutions come to be seen as valuable and are accepted. In this case, the core-researched actor is a criminal group. So are these criminal groups "rebels," and if so, in what sense? This research affirms that criminal groups are already social agents, and they gain political legitimacy to the extent that they engage in an authority-building process. Thus, this research focuses on two instances in which criminal groups launched campaigns—or at least engaged in planned activities— in order to gain political and social legitimacy. La Familia Michoacana and Los Caballeros Templarios de Michoacán, on the one hand, and Cosa Nostra, on the other, offer rich and instructive cases to examine. Precisely how do these groups seek to forge legitimacy? What are their strategies? When and to what extent do they find it necessary to seek such legitimacy (and ultimately, who bestows this legitimacy — the state, popular consent, some combination of the two?) Ostensibly, criminal groups´ primary motivation is exclusively or primarily economic profit, and to preserve or expand their access to such profit. But strictly economic

[1] In addition, the author received and acknowledge a grant to conduct this research from the National Council for Science and Technology of Mexico (CONACyT).

concerns do not explain all of their activities, certainly not, in the case of Michoacán, for example, the sudden proliferation of saints.

This research opens two avenues of conceptual discussion. First, as part of a general literature review it recovers and organizes what has been written about political legitimacy in order to propose an operative idea of political legitimacy. Given that crime is by definition illegal, if legality is the source of legitimacy, then the quick answer would be that no criminal group could ever be legitimate. However, the reality is more complicated. Thus, to tackle this issue, we need an operative idea of how legitimacy could be, rather than how it should be. The second conceptual discussion uses the two cases to explore how the ideas of legitimacy and authority relate to each other. The contexts of the respective cases offer fruitful opportunities to re-think accepted notions, including the disciplinary perspectives from which they come. The story of Michoacán, the primary case in this research, emerged over the last several decades, and thus is less investigated than the centennial Sicilian story, the secondary research case. Comparing them brings into focus both similarities and differences, which sheds new light on them, and offers new perspectives for the conceptual debate. This is explored in depth in the thesis, but here what follows is a brief explanation regarding the cases' selection.

The Cases

The first and primary case is actually composed of two atypical criminal groups located at the Southwestern state of Michoacán, Mexico: La Familia Michoacana (The Family of Michoacán; identified henceforth with the acronym LFM), and Los Caballeros Templarios de Michoacán (The Knights Templars of Michoacán; identified henceforth with the acronym LCT). Together they form a sort of single criminal *continuum,* and this research shows their shared concern for forging and preserving legitimacy, although there were some crucial distinctions between the criminal families regarding social group transformation. Both criminal groups are treated as one case due to their shared context and similar practices in their campaigns for political legitimacy. The first registers of LFM date from 2005; LCT declared their 'birth date' in a document published in 2011 (this code is carefully analyzed in the fourth chapter).

Javier Sicilia, a Mexican poet and the leader of the most prominent victims of violence movement in Mexico, referred to LFM and LCT as the New Age criminal groups. This astute observation is based on how these criminal groups mixed self-help teaching rituals, religious systems and principles, counterinsurgency, paramilitary, guerrilla spirit, and fanaticism (Sicilia, 2015, 13). Not so far from this view, the British journalist Ioan Grillo, called these criminal groups "the puzzling postmodern" mafia network (2017, 11). Together with other organizations like the Red Commando in Brazil, the Shower Posse in Jamaica, and the Mara Salvatrucha gangs in Central America, Grillo describes LCT as a complex mix of gangs,

mafias, death squads, religious cults, and urban guerrillas. The story of how they gained legitimacy cannot be separated from their capitalist success in becoming an economic empire in both legal and illegal markets in Mexico, China, the United States, and Europe. But categorizing such atypical criminal groups in anything but the broadest brushstrokes is difficult, due to the complexity and variety of political intentions, streams of profit, practices, and symbols that go into shaping their interest in, perception of, and quest for legitimacy.

After feigning his death in December of 2011, in which the Mexican government claimed to have killed him, LFM head Nazario Moreno, in fact, continued to lead LCT until March of 2014, when he was finally, actually killed. But already in 2011, LFM had launched discourses that reflected a complex political legitimacy strategy. And when LCT appeared, the criminal group began to set up religious symbols and rituals, reflecting a different, perhaps even more culturally deft turn. However, between the two groups, continuance could be trace by interest in achieving legitimacy Differences such as these notwithstanding, both groups continued similar strategies to achieve legitimacy such as publishing and distributing books, explaining their actions in terms that would appeal to ordinary people, increasing their public visibility, and assuming a nominally governmental role (of ruler and ruled) with local populations. At the same time as these groups were growing in legitimacy and gaining authority in soft power-style campaigns in local communities, waves of violence continued to exact a bloody toll on local populations. Journalistic reports attribute a high degree of violence and drug trafficking to LFM and LCT "members". But how could this be; how could both 'faces' of these groups coexist? To methodologically solve this puzzle, this research focuses on analyzing the period of 2005 (first register of LFM apparition), to 2014, when the Mexican government assured the public that police had finally killed Nazario, the villainous LCT leader.

The Sicilian Cosa Nostra (identified henceforth with the acronym CN) offers an auxiliary research case. It made methodological sense to compare Michoacán with Sicily for three reasons: as criminals and bandits (in Hobsbawm's sense) both launched successful campaigns for political legitimacy; both have been highly visible as well as deeply impactful in their respective societies; and they provide revealing differences because of Michoacán's relative youth and the CN's relative age. The CN, also known as the Sicilian mafia or simply "the mafia", is the notorious criminal group based in Sicily (and which has inspired countless books, Hollywood films, and television series). Together with the Camorra in Naples, and the ´Ndrangheta in the Southern-continental region of Calabria, CN shapes the Italian criminal organizations' landscape, deeply impacting the social, economic, political, and cultural milieu in Italy. Furthermore, in the case of the CN, as a social phenomenon, this centennial criminal organization has for many decades been a fixture in Italian society, particularly in Sicily. Beyond the obvious connections with other criminal organizations in Mexico and elsewhere, another methodological relevance here pertains to the CN's place within the other criminal organizations in southern Italy. But given that the CN is nearly as

old as the modern Italian state, it can also provide a usefully contrasting political case to examine, considering the relative "youth" of LFM and LCT. In the long history that interweaves the CN with Sicilian society, different stages and phases can be distinguished. Those distinctions are of particular relevance for this research because, in terms of analyzing political legitimacy, CN has had different historical periods. Its performance and place in society during the late nineteenth century differed greatly from the post-war era, for instance. This research takes into account its long trajectory, using both primary and secondary sources, but focuses on the political legitimacy discussion and recovers specific empirical references where relevant.

Research Structure

This study is structured into six chapters designed to tackle the stated puzzle. Initially, the discussion focuses on conceptual and theoretical issues, and goes on to address methodological concerns related to the data collection. Then the discussion moves to consider empirical aspects of the cases which, after being presented and analyzed, get compared. This comparison is what brings the analysis back to the initial conceptual level, but now with lessons and new questions connected to theoretical debates.

The first chapter is called “Illegal but Legitimate? Review on Legitimacy Concept towards a Social (Dis)Order Debate.” It collects, systematizes and, more importantly, dialogues with the key research concepts. Political legitimacy comes first, focusing on what has been studied and argued about this theme across disciplines. This exercise helps distinguish a strictly literature review approach from a more engaged theoretical perspective which can grapple with how the hypothetical legitimate *should* be compared to the debate on how this same subject *could* be. This discussion seems essential given the actors involved. Also, key concepts in political legitimacy and authority are explored, such as social order, the state, and sovereignty. Other terms and concepts are also considered, namely the social agent, and the idea of non-state actors in general, followed by violent non-state actors in particular, and finally addressing the criminal groups as particular kinds of non-state actors within these categories.

With this established, the second chapter’s agenda is twofold. First, to deepen discussion of the concepts as they relate to the specific cases of criminal groups interested and performing political legitimacy actions. Second, to describe and explain this study’s methodology, including data collection, techniques, strategies, and so on, not only as they pertain to this study, but how they might apply to similar investigations addressing other cases worldwide. Chapter 2, “The Ghost of Robin Hood,” lays out the epistemology behind the data collection carried out in fieldwork as well as the usage of secondary sources.

Chapters 3 and 4 focus on Michoacán, the central case of this research, based on primary data and fieldwork. Chapter 3, "Tracking Local Robin Hoods," contextualizes contemporary Michoacán, including the role of other agents involved in the war on drugs strategy carried out by the Mexican federal government. As it will be seen, the context shapes and is also shaped by the many social agents pursuing and assuming legitimacy there. Chapter 4, The Art of Dying Twice, focuses specifically on the analysis of LFM and LCT legitimacy efforts and performances, using what is called the sources and resources of legitimacy, which inspired the data collection in the field, and guided the presentation of the information. Indeed, as one method for organizing the data, the chapter ends by elaborating cases in which these sources and resources somehow play together when the criminal groups performed their legitimacy campaigns.

After that, chapter 5 carries out in an abbreviated form the same kind of analysis done for Michoacán in the previous chapters, but this time for Sicily. The first part provides a critical overview of what the mafia is and CN´s role in local political legitimacy efforts across this criminal group's long history. The second and most important part of the chapter addresses the sources and resources of legitimacy following the same model. Finally, and again paralleling the Michoacán analysis, the chapter examines an emblematic case in which all the sources and resources of legitimacy overlap.

With both the Michoacán and Sicilian cases presented and discussed, chapter 6 conducts a comparative analysis. Initially, the data from both cases in the previous chapters inform the conceptual debates identified at the outset of this dissertation. Each source of legitimacy guides an analytical comparison in which similar and dissimilar practices are evaluated. Curiously, what at first seem like significant similarities actually conceal vast differences; combined, they deepen and clarify our understanding of the conceptual underpinnings of each case, while highlighting their unique characteristics. Finally, inspired by these ideas, the dissertation closes with some reflective concluding remarks.