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

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Citation

Pena Gonzalez, R. (2020, February 20). *Order and Crime: Criminal Groups' Political Legitimacy in Michoacán and Sicily*. Retrieved from <https://hdl.handle.net/1887/85513>

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Issue Date: 2020-02-20

Conclusions

According to Thomson Reuters' Web of Science, a database in which the recurrence of academic terms can be easily traced and analyzed over time, from 1945 to 2019, the concept of "political legitimacy" was used in 39.1% of searches related to "Government Law". In second place comes "Public Administration" at 20%, followed by "Business Economics" at 15.6%. In other words, according to this database analysis, what here has been called the normative perspective of legitimacy involves 74.7% of academic production related to political legitimacy since 1945 (Clarivate Analytics, 2019). Other research perspectives that might be close to the descriptive perspective appear only as relatively minor categories, such as "Social Science other topics" (12.476%), and "Sociology" (11.522%), followed by "International Relations" (6th, 9.533%) and "History" (7th, 9.452%), while "Anthropology" placed at 18th (2.331%). These data reveal the dominant perspectives on the topic. However, how has this concept appeared over time in the academic literature?

Again, according to Thomson Reuters' Web of Science, academic interest in political legitimacy has been continually increasing in the last decades. In 1995, only 69 academic works were published. However, by 2017 there were 1,106, an increase of 1,503% (Clarivate Analytics, 2019). In other words, while the academic interest in political legitimacy phenomena has exponentially increased, the descriptive perspective has dominated the debate. By promoting the descriptive angle, this research attempts to challenge given notions emerging from the political legitimacy discussion, but also involving criminal groups debate. In the end, the cases of Michoacán and Sicily indicate to the necessity of re-defining what has allegedly already been learned, and show the value of thinking outside the box, beginning with a hypothetical legitimate but criminal political agent. These conclusions are organized by first answering the main research question, then connecting that to the conclusions drawn in every chapter's closing remarks. Finally, afterward are presented ideas intended to push the conceptual discussion of political legitimacy by combining theory, concepts, methodology, and practical cases' references, i.e., from data across sections.

Answering the Research Question

The main research question addressed here was why and how criminal groups look for political legitimacy. That is, in other words, the understanding of the criminal groups' legitimation process. This research answers that question as follows. The existence of a conflictive authority-building process is not a synonym for social disorder. On the contrary, the social order exists as a consequence of the interactions of several legal and illegal actors. In that sense, as embedded agents in society, this research answers that criminal groups will look for political legitimacy to take place in the local social order definition when this is under dispute. Consequently, in these contesting contexts, there is no political legitimacy

vacuum. Given that the definition of the social order is being challenged, one or more political agents will attempt to define it. Therefore, for criminal groups, an interest in legitimacy becomes an instrument: that is, no more and no less than a tool to participate in both the conflict and the definition of the social order. Sicily and Michoacán are both particularly dense contexts due to the saturation of statehood practices. Behind every legitimacy attempt performed by the criminal group, there will be the intention of these groups to define the local social order over other versions coming from other actors.

Pushing the Debate Over Legitimacy and Criminality

Detecting the division between the normative and the descriptive political legitimacy perspective helped this research to make this definition operational. Instead of offering a new conception, the operational proposal based the argument over five considerations designed to follow how the political legitimacy contesting process takes place, i.e., how political legitimacy could be empirically traced under the descriptive perspective. The first consideration addresses both sides of the coin when defining legitimacy; that is, the ruler as well as the ruled. The second recognizes the contingency of how legitimacy is built. That involves three analytical elements: locality, temporality, and rationality. Third, given that legitimacy is a relational concept, to consider the hypothesis of legitimate parallel authorities' coexistence. Fourth, to acknowledge the presumption of contingency since the understanding of political legitimacy requires studying not only the current moment of the legitimate authority but, also, how it became legitimate and how it was lost from another. Finally, as an ongoing process, the fifth consideration addresses the perpetual necessity of the legitimate political actor to reconfirm itself and its legitimacy. First comes the legitimacy campaign itself and, afterwards, comes the probability of becoming the authority among authorities.

As quoted earlier, Tilly understood legitimacy as the probability that other authorities confirm the decisions of a given authority (1985). His idea matches broadly with each of the considerations stated here. However, rather than a possibility, here it is argued that legitimacy is the instrument with which a given authority got access to that possibility to confirm its mandate. Moreover, when it comes to criminal groups, Claessen's distinction between being legitimate and legitimation (1988, 24) blurs, given that both are instrumental. That is because criminal groups involved in legitimacy dilemmas need to simultaneously deal with and have access to both stages, i.e., become legitimate while taking place in the legitimation process. To some extent, this is the case of other actors, including the state; however, criminal groups searching for legitimacy find a powerful source denying them legitimacy. As explained in this research, even when legality is a powerful legitimacy source, it does not definitively guarantee or deny political legitimacy. However, it will play a significant role for the actors pursuing legitimacy as this instrument in order to define the local social order.

Indeed, the contingency of being an ongoing process leads to a condition of a “never definitive victory” of political actors in their legitimation process. This fact also influences the understanding of concepts deeply related to political legitimacy such as the social order, sovereignty, and the state, which in this research were mostly developed by following the literature on the anthropology of the state. On the other hand, since societies produce the state, specific communities can also reproduce the experience of the state. Therefore, especially the non-state actors who according to the definition of the state followed here are already somehow part of it can be capable enough and interested in reproducing the state experience. Moreover, as a more organized part or extract of these societies, rebels will be even more capable and interested in doing so. This is what sets the path for non-state actors to achieve political legitimacy. Inside this constellation, rather than organized crime or similar notions, this research developed the category of criminal groups. As peculiar violent non-state actors, a "criminal group" might become involved in legitimacy struggles by performing an artificial separation from the rest of society.

Consequently, rather than studying organized crime and the state as alleged separated social groups, this research addressed the organization of crime as a social phenomenon, which may or may not relate to the phenomena of political legitimacy. When a criminal group dealt with legitimacy (as seen in the cases of LFM/LCT and CN), this criminal organization involved 1) illegal activities, but also the effort to 2) create the image of a cohesive, unitary organization with its own identity, and 3) acting or performing like it, all while aiming to 4) achieve or preserve legitimacy. Under this conception, as part of their participation in the definition of local political legitimacy, criminal groups' resignation to legality does not mean to get rid of legitimacy's interest. That is why criminal groups, despite the efforts of portraying themselves like that, are not counter-society or counter-state actors. Empirically, both criminals and non-criminals are embedded and interacting in social circuits in which certain legal actors also enable illegality and vice-versa. However, how common it is for criminal groups to pursue legitimacy is a question that needs to be addressed in other similar studies. Only then will it be possible to know if Michoacán and Sicily are typical or are exceptions.

Moreover, how criminal groups become interested in political legitimacy demands a threefold condition. Because of a historical and political context that enables and allows it, because achieving it is essential to guarantee domination or social control by granting access to resources, and finally, because in order to become justified, it might be necessary to explain criminal activity. This research made two methodological contributions for collecting data in contexts like those analyzed here. The first addresses the audiences of legitimacy. Given that someone has to provide or withdraw it, someone else may win or lose it. Therefore, there will always be audiences, which become potent sources of approaching and collecting data in the field. This research proposed the operative distribution of sources and resources of political legitimacy for studying criminal groups. As a point of supply from

which emerged the actual legitimacy resources, each source makes sense in the local context as a social, political, cultural, economic, and semantic field from which specific legitimacy resources can emerge. Both methodological propositions rest on understanding legitimacy as a relational concept from a descriptive perspective.

The Contested Legitimacy Arena of Michoacán

Regarding the case of Michoacán, there is no possibility of disconnecting LFM/LCT from the war on drugs launched in Mexico in 2006. As an iron-fisted punitive strategy, it influenced the increasing violence around the country but concentrated in specific states and regions, including Michoacán. The war, metaphorical but real in its consequences, holds a general legitimacy relevance that became maximized in Michoacán as the first battlefield and Calderón's home state, the president who launched the war. Moreover, in terms of this war's logic, in which the federal government attempted to draw a discursive line artificially separating "us", i.e. "the legal people" and "them", i.e. "the criminals", in Michoacán this effort was reciprocated first by LFM and, later, by LCT. These criminal groups displayed, since their beginning, identity efforts intending to distinguish themselves from the rest of the society and to justify their own authority and foster enmity towards the federal government. For them, also metaphors and discourses with practical consequences became the vehicle shaping the message. This research presented, specifically in the case of Michoacán, how Hobsbawm's concept of the bandit needs to be framed in a broader social scenario. In this regard, Nazario's cult of personality and legitimacy intentions based on charismatic domination in the Weberian sense need to be understood in the context in which it was embedded. It emerged from there, and only there begins to make sense.

Following Blok's critique of Hobsbawm: "Before looking [to the bandits] it is necessary to look at the larger society within which peasant communities are contained" (2001, 18), and also the context from which the phenomenon emerges. However, with relative independence from this, the high criminality incidence trends taking place in the state, together with the already existence of LFM, made the context even more particular in terms of a political legitimacy contestation. Since the legal authority was not complying nor being efficient with public security tasks, thus the criminal group launched a discourse of taking care of locals' security, which quickly evolved into a governance discourse. This political legitimacy contesting only increased through the next years when other social agents such as Cherán movement, *autodefensas*, the different official authorities levels as well as when LFM turned into LCT. Within this context, from a general political legitimacy evaluation, Michoacán is appreciated by the simple equation of many actors, many state. In other words, far from the absence of authority, the contestation of political legitimacy led to an excess of authorities. Each of the political actors in the social order constellation of Michoacán (as well as Sicily) performed sovereign practices. This research was conducted explicitly for analyzing the case

of the local criminal groups. Both LFM and LCT legitimacy aspirations were the contestations codified in this legitimacy language.

Indeed, regarding Michoacán's criminal groups, this research found a political legitimacy *continuum* between LFM and LCT. Indeed, that continuation is marked by the increase in the legitimacy efforts intensity and frequency. This research found how, thinking about that increasing, the general legitimation discourse had elements of political modernity in the beginning, and eventually mixed pre-modern and modern attributes as long as LFM turned into LCT. By the last years analyzed for this case, LCT became a post-modern political agent who created a discourse combining religion thoughts and messianism with human and political rights; initiation rituals and prohibitions with promises of progress for locals; as well as a feudal regime based on nationalism and localism but with a vision of a capitalist and global criminal business. Of course, this post-modern combination are marked by bloody criminal behavior with no respect for human dignity. In the end, despite the particularities, both violence and legitimacy endeavors were embedded in a context of disputed authority, as well as contested versions of the definition of social order.

The Contested Arena of Legitimacy in Sicily

On the other hand, as an auxiliary but much more ancient research case, Sicily and the CN needed to be framed into a historic Italian state-building context. In Sicily, the centennial accompaniment experienced between the official authority and the mafia gives the pattern to explain, if not Sicily's history, at least how CN performed political legitimacy attempts. Indeed, CN participates in shaping Sicilian social order through contingent and systematic sovereignty practices. Rather than a counter-state, this research defined CN from a political legitimacy perspective and followed the idea of the mafia's production of politics in a twofold phenomenon. First, given their sovereign practices, as a relevant local social agent participating in the definition of the domestic social order, and second, as a local social system through which power, authority, and violence become mediated. As in the case of Michoacán, especially over the last five decades Sicily has become a field of deeply and high-density contestation of political legitimacy. The main difference, however, is the effectiveness (at the expense violence suffered) that the agents against CN showed when uniting their political legitimacy claim against the mafia's.

The heterogeneous composition of the anti-mafia movement of the post-war reveals it. Since the dawn of the current century, the maturity reached by this mafia-contesting agent has translated into professionalism, expertise, and constant local support. CN is currently acting in the shadows, and rates of mafia violence have decreased significantly. This victory has a legitimacy explanation and angle based on the success of changing the setting of who rules and why they rule. Anti-mafia campaigns changed the social order by playing the political legitimacy game, as has been the case with CN. On the other hand, CN has been much more

orthodox when attempting legitimacy, especially compared to LFM and even more with LCT. Orthodoxism is particularly evident in two CN's legitimacy attempts features. First, by preferring to not appear publicly over becoming publicized in the sense of having a public presence, as well as advertised, i.e., spreading identity symbols. Secondly, CN permanently prioritizes inner cohesion over popular support, which in the end is another manner of gaining and using legitimacy.

Comparison as a Catalyzer of Legitimacy

When comparing, this research contrasted empirical data while pushing the conceptual debate. As Mitchell argued when elaborating on the idea of the state-effect (2006), depending on the context, criminal groups' political legitimacy might be pursued by material and non-material, representational and real, subjective and objective means. While in Michoacán, the over-exposition of LFM and LCT produced intense and visible amounts of material and non-material legitimacy resources, the shadowy presence of CN in Sicily produced a concentration of non-material sources. This was because LFM and LCT remained in the legitimation process, and thus needed that visibility, whereas CN had long periods of being an authority and only in recent times had to become public – which was done mostly through violent assassinations. However, in the end both contexts exhibited puzzling combinations of efforts in the direction of achieving legitimacy. Even when the disputing means and motivations changed, reflecting differences and similarities, political legitimacy was the same tool used in local disputes. Moreover, Michoacán and Sicily became arenas in which the legitimacy gained by the criminal group eventually was struggled by another local social agent and vice versa – either legal or not, local or not. On the other hand, the central discrepancy between what Michoacán and Sicily showed happened in terms of social order. While CN pretended to preserve the status quo due to how it was set historically since the post-war era, LFM and LCT had a disruptive vision of social order based on having enemies who were already ruling before them as well as those pretending to do so later such as the federal government or *autodefensas*. In both cases, however, legitimacy was instrumental to that goal.

This research also found that, in contexts of high criminality, the analysis of political legitimacy aspirations serves to epistemologically rationalize the social order behind the apparent disorder. As a concept, political legitimacy works as an auxiliary analytical tool to make sense of statehood practices proposed by the anthropology of the state (Migdal, 1988; Mitchell, 2006; Hansen and Stepputat, 2005) either coming from criminal groups or other social agents, including to recognize the clashing of encountered social order visions coming from these. However, political legitimacy has another empirical instrumental function when it comes to authority. These relate through the former being a useful tool in shaping and deciding on the latter. As an instrument, no legitimacy related clashes take place outside that authority-building process, while no authority disputes exclude the usage of legitimacy. By

doing so, social agents are primarily political, and for the criminal groups, the condition of illegality becomes an extra relevant element shaping the phenomenon. Therefore, criminal groups struggling for legitimacy do not eliminate the authority-building process; instead, it becomes reaffirmed. Also, as a consequence, violence related to criminal groups' legitimacy is as instrumental as any other violence.

Towards a Broader Conceptual Debate: The State, the Social Order, and Sovereignty

Derived from these ideas, some thoughts regarding the state, the social order, and sovereignty invite a re-consideration of given concepts and discussions referenced in this research. Regarding the state, as a social phenomenon, several agents compose it and contingently changes. Hence, legitimacy struggles work as an engine to either boost and speed up or slow down changes in the authority claiming history of the state-building process. Therefore, political legitimacy disputes renew the state and its multiple parts. Criminal groups with political legitimacy aspirations influence the state building process, usually by borrowing its image as a powerful symbol and reference of authority. Finally, the state has margins, where these changes might be more frequent or at least will need special analytical considerations. On the grounds of social order idea, legitimacy conflicts serve for observing different versions of these within the same place. In the case of criminal groups involved in legitimacy struggles, these are somehow products, shapers, and transformers of the current local social order although promoting or having their version. Related to the social contract, as a core part of the social order it will be permanently renewed.

Indeed, winners and losers will be an output coming out from this process, while this does not cancel the current existence of social order, whatever it is. Moreover, parallel authority coexistence does not mean social disorder. On the contrary, both or more agents involved will be building an order despite hypothetical, potential, and actual clashes. Lastly in this regard, as a practice, sovereignty can potentially reside in as many hands as agents dispute political legitimacy. Moreover, when it comes to criminal groups, sovereignty practices become visible thanks to legitimacy as a catalyst that makes distinguishable actions towards building authority from simple crimes. In spite of the specificities that every context has for the legitimacy definition, practicing sovereign is a historical continuum. That is what explains that the same sovereign code was used in such different contexts as Michoacán and Sicily but performed by more or less similar criminal agents as LFM and LCT on the one hand, and CN on the other. Finally, the legitimate monopoly of violence idea needs to include sovereignty within these cases. That conducts to observe that this monopolization is not legitimate as long as the sovereignty (as a practice) is not monopolized as well.

Final Thoughts: Routes for Continuing Researching

Finally, some observations and recommendations arose from the findings for future research. One suggestion is to carry out more investigations on the descriptive grounds of political legitimacy to keep learning how authority empirically takes place and changes over time. This is not to say that normative research is not useful. However, it is the intention to underline that certain social phenomena can be better analyzed through the lens of being less normative and more descriptive. Following the idea, such as how this research added the idea of legitimation practices, keep researching through this lens would lead to producing other concepts on the descriptive grounds of political legitimacy. On the other hand, although this research recovered specific references on the external factor, it would be indeed interesting to have new investigations where this external variable becomes highlighted. That implies considering new research from the locality angle, but also to focus on cases in which the criminal groups' legitimacy interest could be strongly analyzed from their regional, transnational, and even global dimensions.

Moreover, regarding a public interest angle, locality still is relevant for public policymakers related to security and justice. For them, the understanding of how and why criminal groups become involved in political legitimacy struggles is useful to design strategies to challenge actual or potential social orders based on criminal groups governance. Ignoring this conceptual re-think could lead to blindness towards how the authority building process takes place, potentially resulting in violence and widespread human rights violations. Moving to the cases, another suggestion concerns to expand the research on Michoacán to the present times under these methodological and conceptual parameters. Currently, the Mexican press is still reporting on and making references to LCT. Since 2015, the year in which this research stopped collecting data, Mexican violence has been increasing and acquiring extra complexity dimensions. One of them concerns hypothetical residual criminal groups operating after leaders like Nazario had been killed or captured. This hypothetical scenario is close to the Colombian context since the twenty-first century and onwards, where the so-called Bacrim (Spanish acronym for criminal bands) resulted from the war against Cali and Medellín criminal groups. In any case, the legitimacy angle used here serves to study other cases as long as they still embedded into political contestation frames.

To what extent this is the case in Michoacán is a question that still needs a political legitimacy answer that leads to public policy decisions that help current and potential victims. Related to Sicily, this research found in the migration phenomenon happening in the island interesting and divergent information. How CN and the Sicilian political legitimacy landscape changed, reacted to, and were affected by migration needs to be researched. The challenge is immense in terms of describing modifications in criminal tendencies under migration dynamics without criminalizing migrants. Finally, from this research, it is suggested to continue and increase comparative studies addressing criminal groups interested in political legitimacy. Moreover, while doing so, it is suggested to twist concepts with empirical references and coming back to ideal-types to improve them. Understanding that the criminal groups will

look for political legitimacy to take place in a disputed definition of local social order helps to explain how societies become ordered, especially when they are apparently becoming less ordered.